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of
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I N D E X

Of

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Monday, 26 January 1948

- - -

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE JU-AO MEI, Member
from the Republic of China, not sitting from 0930 to
1600; HONORABLE JUSTICE LORD PATRICK, Member from
the United Kingdom of Great Britain and HONORABLE
JUSTICE JARANILLA, Member from the Commonwealth of the
Philippines, not sitting from 1300 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except the accused SHIRATORI, who is represented by
5 counsel. The Sugamo prison surgeon certifies he is
6 ill and unable to attend the trial today. The cer-
7 tificate will be recorded and filed.

8 With the Tribunal's permission the accused
9 ARAKI will be absent from the courtroom the entire
10 day, conferring with his counsel.

11 Mr. Oneto.

12 MR. ONETO: I will now read to the Court IPS
13 document No. 3363, admitted in evidence as exhibit
14 No. 3849:

15 "TELEGRAM. Secret.

16 "Paris, 1 March 1941.

17 "For GFM.

18 "No. 716 of 3/1 Most Urgent

19 "Dr. Schwarzmann, Minister Bureau for the
20 Foreign Minister.

21 "Ambassador de Brinon delivered this afternoon
22 at 1800 hrs. a communication received from Admiral
23 DARLAN concerning the Japanese offer of mediation in
24 the Indo-China dispute, with a request in accordance
25 with the last paragraph of this communication to appeal

1 to the influence the Reich's Government has in Tokyo, in
2 order that the slight alleviations which the French
3 Government asks for may not be denied them.

4 "The wording of the communication is as
5 follows:

6 "Through my telegram of 26 February you are
7 acquainted with the reasons on account of what the
8 French Government does not find itself in a position
9 to accept the offer of a mediation which was delivered
10 to it on 25 February by the Japanese Government in
11 its capacity as go-between in the conflict between
12 France and Thailand. As concerns this refusal Mr.
13 MATSUOKA has taken up a new attitude by appearing no
14 longer as a go-between but as an arbitrator (he) has
15 given his claim the character of a formal demand and
16 has added that in case of a refusal, Japan would aban-
17 don the mediation and depart from the position laid
18 down in the Franco-Japanese agreement of 30 August in
19 order to guarantee the settling of the affair by other
20 means.

21 "Since France is not in a position to withstand
22 this threat, nothing remains to the Government but to
23 yield to the peremptory demands which have been presented
24 to it in this way. Appropriate instructions were
25 transmitted yesterday evening to our ambassador in
Tokyo.

1 to the influence the Reich's Government has in Tokyo, in
2 order that the slight alleviations which the French
3 Government asks for may not be denied them.

4 "The wording of the communication is as
5 follows:

6 "Through my telegram of 26 February you are
7 acquainted with the reasons on account of what the
8 French Government does not find itself in a position
9 to accept the offer of a mediation which was delivered
10 to it on 25 February by the Japanese Government in
11 its capacity as go-between in the conflict between
12 France and Thailand. As concerns this refusal Mr.
13 MATSUOKA has taken up a new attitude by appearing no
14 longer as a go-between but as an arbitrator (he) has
15 given his claim the character of a formal demand and
16 has added that in case of a refusal, Japan would abandon
17 the mediation and depart from the position laid
18 down in the Franco-Japanese agreement of 30 August in
19 order to guarantee the settling of the affair by other
20 means.

21 "Since France is not in a position to withstand
22 this threat, nothing remains to the Government but to
23 yield to the peremptory demands which have been presented
24 to it in this way. Appropriate instructions were
25 transmitted yesterday evening to our ambassador in
Tokyo.

1 "The Japanese offer of mediation has accord-
2 ingly been accepted as a whole.

3 "The only alterations the French Government
4 requests are the following":

5 I will omit the following details and skip to
6 the last paragraph:

7 "I would therefore be thankful to you if
8 when informing the German Ambassador of the latest
9 development of the question you would appeal to what
10 authority the Reich exercises in Tokyo, so that these
11 slight alleviations be not denied.

12 "For Fleet Admiral Rochat.

13 "Schleier."

14 I will now offer in evidence EPS document
15 No. 3361. It is a Teletype dated 2 March 1941 by
16 Rintelen to the Minister Bureau, Berlin, of the German
17 Foreign Office.

18 This document is the direct answer to telegram
19 No. 716, court exhibit 3849, which was previously tendered
20 in evidence. It shows the close cooperation of Germany
21 and Japan with regard to French Indo-China and the free
22 hand given in this matter by Germany to Japan.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution document
25 3361 will receive exhibit No. 3850.

(Whereupon, the document above

referred to was marked prosecution exhibit
3850 and received in evidence.)

MR. ONETO: I will now read IPS document
No. 3361, exhibit 3850:

"TELEGRAM.

"FUSCHL, 2 March 1941.

"No. 134 of 2 March.

"To the Minister Bureau, Berlin, via State
Secretary to Under State Secretary WOERMANN and
Ambassador STAHRER.

"Re Telegram No. 716 from Paris of 1 March,
with regard to the French attitude in the Indo-Chinese
dispute, the German Foreign Minister has directed that
the French request contained in the telegram not be
acceded to. In view of the new state of affairs arising
from the telegram the Japanese ambassador should be
informed by Ambassador STAHRER as a follow-up of the
conversations so far of the fact that the German Foreign
Minister does not intend to support the French request,
but intends to leave the position to be taken entirely
with the Japanese Government.

"Signed: RINTELEN."

"We will not present the last document number,
3362, and we withdraw it from list No. 11-A.

The Russian Division will now continue for
the prosecution.

THE PRESIDENT: General Vasiliev.

GENERAL VASILIEV: I offer for identification prosecution document No. 3048, the Japanese Militant Graphic (Gunkoku Gaho) for April 1904, and excerpts therefrom containing the Imperial Rescript of February 10, 1904, declaring war on Russia, and a war account by a military correspondent, in evidence.

These excerpts show that Japan made the declaration of war two days after her attack, and that the Japanese press boasted of the commencement of military operations without warning.

I ask the Tribunal to take into consideration the fact that the prosecution did not produce any evidence on this issue, whereas the defense introduced a number of documents (exhibits Nos. 2286, 2287, 2288, 2299, 2300, 2301, 2302) taking advantage of the statement made by the President of the Tribunal to the effect that relations between Japan and Russia for the last 50 years might be of interest to the Tribunal, page 17288 of the transcript.

In reply to this defense evidence we are offering only one document mentioned by me.

These excerpts show that Japan made the declaration of war two days after her attack, and that the Japanese press boasted of the commencement of military operations without warning.

I ask the Tribunal to take into consideration the fact that the prosecution did not produce any

THE PRESIDENT: Major Blakeney.

1 MR. BLAKENEY: In so far as this constitutes
2 a proffer of evidence, I wish to object to it.

3 On some previous occasions the defense have
4 objected to the tender of evidence such as that now
5 offered and to follow on the grounds of remoteness
6 from the issues, irrelevance and immateriality under
7 the Indictment as here framed. I believe I am correct
8 in saying that no unequivocal ruling was made on those
9 objections but that the Tribunal said that while such
10 evidence might be difficult to connect it would be
11 accepted subject to the establishment of any relevance.
12 For example at page 7,317 of the record.

13 Now here we have in this excerpt two separate
14 documents both relating to the year 1904. Of course,
15 despite counsel's description, this is not an issue
16 in this case, and I submit that the rescript of Japan
17 declaring war on Russian in the month of April, 1904,
18 can have no conceivable connection with this case, with
19 the issues here or with any of the defendants now on
20 trial here.

21 This is proffered expressly for the stated
22 purpose of showing that military operations in that war
23 of 1904 commenced prior to the publication, at all
24 events, of this declaration of war. But of course,
25

1 if that be the fact proof of it can avail counsel
2 nothing here for as of 1904 there existed no sugges-
3 tion of a requirement in international law that such
4 a declaration of war be served and, in fact, the
5 conduct of Japan in that time was given the express
6 cachet of approval of most of the leading authorities
7 of international law of America and England.

8 This evidence, therefore, it is submitted,
9 has no importance because it relates to no issue
10 before this Tribunal and has no probative value,
11 therefore, directed toward any such issue.

12 GENERAL VASILIEV: I would like to reply to
13 defense counsel.

14 We only rebut the evidence offered by the
15 defense, and I want to call the attention of the
16 Tribunal that the defense offered at least seven docu-
17 ments relating to that period and even to the period
18 of time ten years before that. Your Honor, I have
19 enumerated those seven documents offered by the defense
20 when I addressed the Tribunal. As this document
21 offered by me rebuts the documents offered by the
22 defense we consider its tender quite proper at this
23 stage. If I understood Mr. Blakeney correctly he
24 intended to withdraw the documents previously offered
25 by the defense. If that is the intention of Mr.
Blakeney he must make this intention quite clear to us.

1 THE PRESIDENT: Well, it is a matter of
2 history, General, and if it is relevant and material,
3 but it may be difficult to see that it is, we can take
4 judicial notice of it. You did not think enough of
5 it to prove it in chief. You are only putting this
6 in because the defense put in certain documents.

7 By a majority the objection is sustained and
8 the document rejected.

9 GENERAL VASILIEV: In this case I would like
10 to have the direction of the Tribunal how I should
11 proceed further. If the Tribunal thinks that the
12 Tribunal can take judicial notice of that fact may I
13 proceed on the basis of that in my future tender of
14 documents?

15 THE PRESIDENT: You can invite us to do so,
16 General, There is nothing to prevent you.

17 GENERAL VASILIEV: I beg your pardon, sir.

18 THE PRESIDENT: I don't know what documents
19 you have to present. Each document will have to be
20 considered on its merits.

21
22 GENERAL VASILIEV: In this case, your Honor,
23 I ask the Tribunal to take judicial notice of the fact
24 that in that particular case the war was declared by
25 Japan after two or three days after the commencement
of military operations.

1 THE PRESIDENT: You could refer to that in
2 your summation subject to any objection that may be
3 taken there. Matters of which you take judicial
4 notice do not permit of an answer. The very state-
5 ment implies that. If a matter is judicially noticed
6 it is unanswerable.

7 GENERAL VASILIEV: But, you Honor, some
8 specific documents relating to that period were
9 accepted from the defense. The Tribunal will remember
10 that Mr. President admitting inevidence defense docu-
11 ments stated that the Tribunal reserved the right to
12 decide later on whether these documents are relevant
13 to the issues in this case or not and to strike them
14 out. I refer to pages 17,293, 17,306 of the trans-
15 cripts.

16 THE PRESIDENT: At present, a majority of the
17 Court think that this particular matter is irrelevant.

18 GENERAL VASILIEV: If I understood you correct-
19 ly, Mr. President, the Tribunal means that all the
20 documents offered by the defense relating to that
21 period will be disregarded by the Court.

22 THE PRESIDENT: If they are intended to
23 establish something which is contrary to what we would
24 judicially notice they will be disregarded. That is
25 all I can say.

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1 GENERAL VASILIEV: I am going to offer now
2 a small group of documents relating to the period of
3 the Japanese intervention in Siberia. We are offering
4 these documents to show that the intervention was
5 undertaken by Japan for the seizure of territories
6 and was accompanied by provocative actions, atrocities
7 and outrages against the Russian population.

8 Prior to this time the prosecution has not
9 introduced any documents relating to the period of the
10 Japanese intervention. But the defense introduced a
11 lengthy statement made by Baron SHIDEHARA at the
12 Washington Conference in which SHIDEHARA contended
13 that Japan's actions in Siberia had not been in pur-
14 suance of any territorial designs but had been directed
15 towards the establishment of order without interfer-
16 ence with the internal affairs of Russia. (Record,
17 page 17423-32).

18 To reply to and to refute this defense
19 document (exhibit 2319) and to provide the Tribunal
20 with a correct and objective picture of the actual
21 state of affairs we introduce a few documents which
22 establish facts from original sources.

23 I respectfully ask to keep in mind that the
24 prosecution stated at the time of the introduction of
25 SHIDEHARA's speech that if the speech was admitted, the

1 prosecution would be compelled to introduce their
2 own evidence on this issue. (Record, page 17420 of
3 the transcript).

4 SHIDEFARA's speech was admitted in evidence.
5 This provides us with the right to introduce our
6 documents.

7 I offer for identification as my first
8 document IPS document No. 3098, the book entitled
9 "America's Siberian Adventure" by Major General
10 Graves of the United States Army, and excerpts there-
11 from in evidence.

12 General Graves was an eye witness of the
13 events, being commanding officer of a unit of American
14 forces in Siberia. There are no reasons to doubt his
15 objectivity. General Graves corroborated that Japan
16 undertook the intervention for the purpose of seizing
17 the Maritime Province and Siberia, that the Japanese
18 forces were provoking military clashes and committed
19 innumerable crimes against the Russian people.

20 MR. FURNESS: If the Court please.

21 THE PRESIDENT: Major Furness.

22 MR. FURNESS: We object to the introduction
23 of this line of testimony on general grounds and to
24 the introduction of this first document on particular
25 grounds.

1 I am not familiar with Baron SHIDEHARA's
2 speech. I believe it must have contained other
3 things which made the speech relevant to the issues
4 in this case. The only mention that I remember of
5 this expedition by the prosecution was in Minister
6 Golunsky's opening statement which, of course, is not
7 evidence, and in the Semeonoff affidavit which the
8 Court has said it would disregard.

9 The SHIDEHARA speech was apparently meeting
10 an allegation of Golunsky. It is not concerned with
11 any time covered by the Indictment nor any issue before
12 this Tribunal. It is remote, immaterial, irrelevant
13 and unimportant. If it is admitted we will have to
14 submit evidence in surrebuttal in volume.

15 As to the particular document offered, it
16 is submitted that General Graves could not know the
17 intention of the Japanese. It is further submitted
18 that this particular document is filled with conclu-
19 sions and opinion, hearsay, without identifying the
20 source.

21
22 I call attention to certain examples of this:
23 Q.1 page 1, second paragraph: "In the light of subse-
24 quent knowledge of the actual situation west of
25 Irkutsk, the only logical inference from General
OTANI's statement is that * * *."

1 Start where it says, "Page 63-64," on the
2 first page, he says: "I was informed."

3 Later on, about ten lines down, he said: "I
4 had previously been informed"; no identification of
5 source.

6 Later on in that first paragraph about six
7 lines from the bottom, he says: "There was no
8 military situation demanding this increase."

9 On the third line from the bottom, he says:
10 "I have excellent reasons for stating * * *." He does
11 not state the reasons.

12 Page 2, he comes to the conclusion that
13 Semyonov was "a murderer, robber and a most dissolute
14 scoundrel."

15 Again on page 3, he said: "It was my judgment
16 when in Siberia."

17 On page 2 under the excerpt "Page 107-108,"
18 he says: "Japan asked the Allies to permit her alone
19 to take the Chinese Eastern and Amur railroads." If
20 such request was made it must have been in writing.
21 This is secondary evidence; no accounting is made for
22 the original.

23 I don't think I need to say anything more
24 about this particular document nor about the general
25 run of the documents offered.

1 GENERAL VASILIEV: If the Court please, I
2 believe there is no need to add anything concerning
3 the relevancy of these documents. The defense, having
4 been the first to introduce a document pertaining to
5 the period of intervention, i.e. SHIDEHARA's speech,
6 now contradicts itself, contending that documents of
7 that period are irrelevant.

8 THE PRESIDENT: One Member of the Tribunal
9 has asked why the defense are relying on SHIDEHARA's
10 speech and at the same time resisting this document.
11 However, by a majority the objection is sustained and
12 the document rejected.

13 GENERAL VASILIEV: If the Court please, as
14 I am going to tender quite a few documents I would like
15 to make a short statement to the Court about the tender
16 of these documents -- about the order of tendering
17 these documents. I was not able to reply to the objec-
18 tion by the defense. I only began to give reply to the
19 objection of the defense and I couldn't finish my reply
20 and then the decision of the Tribunal was already taken.
21 I don't know that the Tribunal treated any other prose-
22 cutor in that way.

23 THE PRESIDENT: I refer you to the transcript,
24 General Vasiliev. I have no more to say.
25

Read to General Vasiliev what he said before

1 I gave the decision.

2 (Whereupon, the official court
3 reporter read as follows:)

4 "GENERAL VASILIEV: I believe there is no
5 need to add anything concerning the relevancy of these
6 documents. The defense, having been the first to
7 introduce a document pertaining to the period of inter-
8 vention, i.e. SHIDEHARA's speech, now contradicts
9 itself, contending that documents of that period are
10 irrelevant."

11 THE PRESIDENT: I have nothing to add to the
12 words I stress.
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1 GENERAL VALILIEV: It evidently refers to
2 the translation. Evidently the translation was not
3 quite correct.

4 If the Court please, I wanted to refer to
5 the following circumstances which I consider to be
6 very important as far as the introduction of these
7 documents is concerned.

8 THE PRESIDENT: You mean the document already
9 rejected.

10 GENERAL VASILIEV: Does it concern only the
11 document I offered, your Honor, or does it refer to
12 other documents as well? I was going to speak about
13 other documents belonging to the same group.

14 THE PRESIDENT: Yes. You may, of course,
15 refer to documents not yet tendered. We will hear
16 you fully on those.

17 GENERAL VASILIEV: Next I offer IPS document
18 No. 3091, a book by Colonel John Ward, for identification
19 and an excerpt therefrom in evidence. The author of
20 the book was Commander of a detachment of British
21 troops in Siberia and was an eye-witness of the conduct
22 of the Japanese forces and of their outrageous treat-
23 ment of the Russian population.

24 THE PRESIDENT: Major Blakeney.

25 MR. BLAKENEY: I wish to object to the reception

1 of this document. It stands precise on the same
2 footing, I submit, as the previous document, being
3 an excerpt from an account by another Allied officer
4 commanding in Siberia; an officer, who, by the way,
5 as it chances, was by way of being a rival of General
6 Graves and whose conclusions, as set forth in the
7 complete document from which this is excerpted, are
8 often diametrically opposed.

9 This document, however, has this much in
10 common with General Grave's: that it is packed with
11 his conclusions, with broad generalities and with
12 opinion. The opening sentence of this excerpt, is,
13 I think, a good example of the entirety, the author
14 boldly plunging in to tell us that the Japanese for
15 their own peculiar reasons had decided, and so on, and
16 so on.

17 This document recites a number of interesting
18 and perhaps from the point of view of some Japanese
19 troops discreditable but nevertheless wholly trivial
20 and immaterial incidents. So that wholly aside from
21 the general question of the relevance or the importance
22 of the Siberian Expedition of 1919 and subsequent
23 years, this document, I submit, can have no probative
24 value and has no importance toward proving any of the
25 issues in this litigation.

1 On the general question, of course, I submit
2 that the ruling of the Tribunal just given on the
3 previous document will dispose of this and those to
4 follow on the same subject.

5 And lastly, I should like to say that so far
6 as I am able to learn, there has been no compliance
7 with the rule requiring the desposit of these docu-
8 ments seven days in advance for the introduction of
9 excerpts and we shall have to take objection on that
10 ground because, should these be admitted, we shall
11 require an opportunity to read the entire book in
12 order to consider whether counterexcerpts should be
13 tendered.

14 THE PRESIDENT: General Vasiliev.

15 GENERAL VASILIEV: I have here before me 'the
16 decision of the Tribunal in accordance with which we
17 were allowed to present the excerpts. We have always
18 complied with any rulings of the Tribunal and it seems
19 Mr. Blakeney is not aware of that.

20 When the documents were being admitted, in
21 connection with the objection raised by the prosecution
22 the President of the Tribunal said: "It may be that
23 this evidence will justify evidence in rebuttal if it
24 can be given...", page 17,422 of the transcript.
25 In our submission, this is all we wish to remind the

1 Court of; that this is exactly what we are doing. We
2 are presenting the documents in rebuttal.

3 THE PRESIDENT: By a majority the objection
4 is sustained and the document rejected.

5 GENERAL VASILIEV: If the Court please, I
6 offer IPS document No. 3335, being the record of
7 court proceedings held in connection with the
8 annihilation of the village of Ivenovka and the
9 shooting of its inhabitants by the Japanese troops
10 in 1919.

11 MR. FURNESS: If the Court please.

12 THE PRESIDENT: Major Furness.

13 MP. FURNESS: The defense objects to the
14 admission of this document. It involves the destruction
15 apparently of a village in 1919 at a time when a state
16 of war or what was equivalent to a state of war existed
17 between Communist Russia on one hand and the United
18 States, Great Britain, France, Japan and other nations,
19 I think, on the other hand.

20
21 It is remote in time, not covered by the
22 Indictment and it is immaterial, irrelevant and then
23 unimportant in so far as the issues of this case are
24 concerned. It is furthermore, we submit, not competent
25 under the rules of this Tribunal even if it involved
an issue concerned in this case.

1 I call attention to the fact that it is
2 apparently ex parte. The last paragraph on page 1
3 says "...I hereby request that the above-mentioned
4 eye-witnesses be interrogated to secure the evidence
5 without calling the other party."

6 Again on page 2, first paragraph, it appears
7 that it is made on an application for the production
8 of evidence by an attorney representing the village
9 and was heard at an open session in a lawsuit brought
10 by the above-mentioned community against the Japanese
11 Government to repay 50 million roubles for the damage
12 caused. So far as I know, no such lawsuit was ever
13 brought and certainly this is no evidence that it
14 was brought.

15 We submit that it is unimportant and has no
16 probative value so far as any issues in this case
17 are concerned.
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1 GENERAL VASILIEV: I am not going to repeat
2 my contention about the relevancy of the document to
3 the issues involved in the case. This document is just
4 as relevant to the issues as the documents previously
5 offered by the defense. As far as the probative value
6 of this document is concerned, I should say that that
7 is true that the document probably is not stylistically
8 excellent, but we must say that this document is a
9 piece of life taken from the original document, and,
10 stylistically, this cannot be as excellent as Baron
11 SHIDEHARA's speech, but it is a piece of life taken
12 from the original document offered to the Tribunal.

13 THE PRESIDENT: By a majority the objection is
14 sustained and the document rejected.

15 General Vasiliev.

16 GENERAL VASILIEV: The rejection of prosecu-
17 tion evidence relating to the period of the Japanese
18 intervention in Siberia brings about an absolutely
19 abnormal situation; this important historic fact
20 has been presented to the Tribunal in a one-sided and
21 distorted way, as the Tribunal have at their disposal
22 only defense documents.

23 It can be explained only by that that this
24 period is now considered irrelevant to the issues in
25 the case. I request you to remember that when receiving

1 in evidence defense documents dealing with matters
2 beyond the scope of the Indictment Mr. President
3 repeatedly pointed out that if it was found out that
4 the documents were irrelevant they would be disre-
5 garded, record pages 17,293, 17,344, 17,306, 17,357,
6 17,360 of the transcript.

7 I believe that now it will be most proper to
8 move that defense document, exhibit 2319, SHIDEHARA's
9 speech at the Washington Conference, be disregarded.
10 Then there will be no need for us to introduce our docu-
11 ments pertaining to this period, and justice will be
12 restored.

13 THE PRESIDENT: Major Blakeney.

14 MR. BLAKENEY: If that constitutes a motion
15 I think I should say this much, that the only conten-
16 tion which the defense has ever made is that matters
17 relating to the Siberian Expedition and that period
18 should be considered irrelevant by this Tribunal, and
19 a fortiori that the period of the Russo-Japanese War
20 of 1904 or 1905 is irrelevant here.
21

22 Inasmuch, however, as I am not informed in
23 detail concerning the SHIDEHARA speech which may con-
24 tain other matters, I suggest that any such motion be
25 noticed in the usual way so that counsel who are fam-
iliar with the matter may make any response which they

1 desire.

2 GENERAL VASILIEV: I request that -- I respectfully
3 request that the Tribunal consider my motion.

4 THE PRESIDENT: I want to be clear about this,
5 General. I don't suppose you will be satisfied to be
6 told that we will disregard irrelevant matters. What
7 you want to know is whether or not we disregard those
8 matters tendered by the defense to which you refer so
9 that you may know what to do in your summation?

10 GENERAL VASILIEV: Yes, your Honor. I am
11 afraid only of one thing, that when the Tribunal con-
12 siders this important historic issue that the Tribunal
13 will have at their disposal only one document offered
14 by the defense which distorts the facts.

15 THE PRESIDENT: It is said by Major Blakeney
16 that the SHIDEHARA document tendered by them relates
17 to the Washington Conference which is an entirely dif-
18 ferent matter, of course.

19 GENERAL VASILIEV: But your Honor, in that
20 speech made by Baron SHIDEHARA he also spoke about the
21 Japanese intervention, the so-called Japanese interven-
22 tion in Siberia in detail, trying to show that inter-
23 vention in the way in which it never really occurred.
24 Our people remember that historic episode as the gross
25 violation of the rights of our people, and we want the

1 Tribunal to have a correct picture of that important
2 historic event. Let the defense withdraw SHIDEHARA's
3 speech, then there will be no need for me to offer any
4 documents in rebuttal.

5 THE PRESIDENT: Well, it is hard for us to
6 recall instantly any one of 3,800 documents. I think
7 we will have to look into these documents to see what
8 they are about.

9 GENERAL VASILIEV: Yes, your Honor, I agree
10 with that.

11 THE PRESIDENT: Well, we will recess then.
12 We will recess for fifteen minutes.

13 (Whereupon, at 1045, a recess was
14 taken until 1100, after which the proceedings
15 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: I have looked up that speech
4 of SHIDEHARA, and it appears to be what he called
5 a concise statement with regard to Japanese aims and
6 intentions in Siberia, and it certainly is all about
7 Siberia. Its admission was fully debated, and I had
8 quite a lot to say on behalf of the Tribunal; and we
9 shall have to seriously consider whether our decision
10 this morning is consistent with that given in relation
11 to this speech of SHIDEHARA. It may be that we will
12 be able to say that so much of the speech is relevant
13 and so much irrelevant, but for the time being I cannot
14 see that.

15 The Tribunal will look into the matter.

16 GENERAL VASILIEV: If your Honor please, in
17 defense document No. 2319, pages 17,430 to 17,431 of
18 the transcript, there is a contention that the so-
19 called Nikolaevsk Incident, that is to say, the armed
20 clash as a result of which both sides suffered losses
21 and which served as a pretext for the Japanese to
22 occupy the Soviet part of Sakhalin occurred through the
23 fault of the Russians.

24 Besides, the defense offered the Soviet note
25 of January 20, 1925, containing an expression of regret

1 concerning that incident for the purpose of proving
2 that allegedly the Soviet side admitted its guilt with
3 regard to this incident. Exhibit No. 2311, pages
4 17,357-58 of the transcript.

5 To rebut this evidence of the defense we
6 offer in evidence prosecution's documents No. 3152,
7 a telegram of March 3, 1920, No. 3153, an excerpt from
8 the Journal of Battle Actions of 1920, and No. 3155,
9 a telegram from Nikolaevsk of March 24, 1920. These
10 documents show that the Nikolaevsk Incident was provoked
11 by the Japanese troops.

12 THE PRESIDENT: Major Blakeney.

13 MR. BLAKENEY: I am afraid I didn't catch
14 exactly which documents are being offered.

15 THE PRESIDENT: 3152.

16 MR. BLAKENEY: Only?

17 THE PRESIDENT: And he referred to exhibit
18 2311. At least, I have been handed No. 3152; I know
19 nothing about 3153.

20 MR. BLAKENEY: Well, I suppose in any event we
21 will consider them seriatim; so I will take up 3152
22 first.
23

24 In objecting to the tender of this document,
25 I wish to make the general objection that all matters
relative to this phase of the Siberian expedition are

~~irrelevant under the ruling of the Tribunal already~~

1 given. This is the first of a considerable number of
2 documents on the order of proof treating of the
3 Nikolaevsk situation. That may or may not -- I don't
4 know -- have some connection with the notorious massacre
5 just referred to by General Vasiliev. Here, at all
6 events, we have a telegram from some Red Army commander
7 in Nikolaevsk to I don't quite know whom, concerning
8 events in that city. This one contains the terms of
9 a truce made at one stage of the fighting there. It
10 speaks also of atrocities, imputing them to the
11 Japanese. It then concludes with the statement that
12 an investigation is being made of these atrocities.
13 The probative value of the document, therefore, I
14 submit, is considerably impaired, it being obviously
15 statements of conclusions, and the importance of it,
16 under the ruling of the Tribunal regarding the Siberian
17 expedition, I think is nonexistent, and it should be
18 rejected.
19

20 THE PRESIDENT: You are not called upon to
21 justify the acceptance by us of SHIDEHARA's speech,
22 Major Blakeney, but if you would like to try to dis-
23 tinguish between these documents this morning and that
24 speech, we will be glad to have your assistance.
25

MR. BLAKENEY: My view, your Honor, as one

1 familiar with the case in general but not with the
2 details of that precise document, is this:

3 That document, I think I am quite safe in
4 saying, was offered in evidence only to meet the
5 possibility of findings by the Tribunal based upon
6 portions of the evidence introduced and of the
7 openings made by the Soviet prosecution concerning
8 which we had not been able to get rulings of
9 what we considered sufficiently desirable definiteness
10 to limit the introduction of evidence.

11 THE PRESIDENT: That is because the Tribunal
12 is not prepared to deal with the Indictment piecemeal.
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1 MR. BLAKENEY: Now, I believe that by a
2 simple example I can make this quite clear to the
3 satisfaction of all concerned so that the matter can
4 be dealt with.

5 In the early stages of the Soviet prosecution's
6 presentation of evidence, the Tribunal accepted the
7 affidavit of the witness Semyonov, which, of course,
8 was subsequently stricken out; but that is another
9 matter. It was in evidence at that time. That affi-
10 davit contained approximately six pages of matter
11 dealing with the Siberian expedition and other times
12 prior to 1928, the commencement date of the Indictment
13 herein; and specific objection was made on that ground
14 at page 7,313 of the record. The affidavit was
15 admitted without specific ruling on that point; and,
16 therefore, we of the defense felt -- I think properly --
17 that we did not know whether we were compelled to
18 meet that evidence. We now know, I think, that we
19 are not compelled to; and, therefore, the personal
20 view which I originally said that I would proffer in
21 answer to your Honor's question is that all evidence
22 on that point, whether emanating from the prosecution
23 or from the defense should no longer be taken into
24 account in any way whatsoever.

25 THE PRESIDENT: It is not possible, I should

1 say, or not practicable for me to take the views of
2 the majority of the Judges or of all the Judges on each
3 ground upon which an objection is based, and there
4 are sometimes several grounds. All I can get, of
5 course, is the question whether the document is
6 admissible or not answered.

7 GENERAL VASILIEV: May I say a few words,
8 your Honor. If the Court please, if I were asked a
9 question about the difference between Baron SHIDEHARA's
10 speech and the documents which we are offering, I would
11 have said as follows:

12 Baron SHIDEHARA, in his speech at the
13 Washington Conference, tried to justify the actions
14 of the Japanese Government, at which was hurled an
15 accusation that Japan was interfering in the internal
16 affairs of Russia for the purpose of seizing Russian
17 territories.

18 THE PRESIDENT: You need not say any more,
19 General Vasiliev. We are unanimously of the opinion
20 that exhibit 2319 is not of sufficient importance to
21 require rebuttal. In the light of all that has
22 happened in the meantime, we are able to come to that
23 conclusion.

24 GENERAL VASILIEV: I will request that the
25 Tribunal take the same view of exhibit No. 2311, and

1 in that case I will be fully satisfied. Both documents
2 cover the same period. In such a case, it will not
3 be necessary for me to offer these documents. I am
4 of the opinion that it will be quite just to do that --
5 a fair decision.

6 THE PRESIDENT: We are all agreed.

7 GENERAL VASILIEV: If the Court please, we
8 offer prosecution's document No. 1952, excerpts from
9 the minutes of the trial held on August 31 and on
10 September 1, 1935, in Irkutsk by the Assizes of the
11 military collegium of the Supreme Court of the U.S.S.R.
12 and the full text of the judgment and sentence in
13 the case of Kobylkin, Pereladov and Oleinikov. This
14 document shows that the Japanese authorities conducted
15 subversive activities against the U.S.S.R., drawing
16 into them Russian whiteguards.

17 I must say that this document was offered
18 earlier in the Russian phase and was objected to by
19 the defense on the ground that we had only excerpts,
20 but no full text of the record of the proceedings to
21 serve on the defense. Therefore, the tender of the
22 document was postponed till a later date (page 7749
23 of the transcript).

24 We received the full text of the document
25 from Moscow only after the completion of the

prosecution's case and offer the document now.

1 This document refutes the contention of the
2 accused and their witnesses to the effect that the
3 subversive activities against the U.S.S.R. were not
4 conducted, and thus, in our submission, its tender
5 is proper at this stage.
6

7 The evidence offered by the defense which this
8 document rebuts is at page 7749 of the transcript.

9 I shall read only the judgment stating the
10 facts.

11 Please strike out "page 7749 of the transcript"
12 and insert "pages 19,940 and 22,104 of the transcript
13 in exhibit 2670."

14 THE PRESIDENT: Major Furness.

15 MR. FURNESS: If the Court please, might
16 we inquire whether or not one of the Members of this
17 Tribunal from which this excerpt, it appears from the
18 heading, is taken, is the Russian Judge on this
19 Tribunal -- International Tribunal?
20

21 It reads: "Members of the Court: comrades
22 Zaryanov and Serpuhevitin."

23 GENERAL VASILIEV: As far as I know, yes,
24 your Honor.

25 MR. FURNESS: Then we object to it on that
ground, and on several other grounds, and call attention

1 to the fact that this appears from its heading an
2 excerpt, and that the original on file with the Clerk
3 is apparently exactly the same document which was
4 offered and rejected. There is nothing to show that
5 the men here tried were represented by counsel, and
6 nothing to show that there was any cross-examination.
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1 There is nothing to show that the trial or
2 its sentence and its findings were subject to any
3 review. I wish to state that except at the very end
4 there is no reference to Japan or Japanese, and there
5 is reference only to a certain power. I submit there
6 is no indication that this was a fair trial in which
7 the sentence and the findings can be submitted to
8 this Tribunal. Although these men were apparently,
9 from their names, Russian by blood, there is no indi-
10 cation that they held Russian citizenship. There is
11 no connection, from this document or from any other
12 proof that I recall, with any accused here on trial.

13 Finally, I call attention to the fact that
14 the sentence rendered is apparently not by the same
15 Court that made the findings. Except for the Presi-
16 dent of the Court there are different names.

17 GENERAL VASILIEV: If the Court please, the
18 objection of defense counsel, Mr. Furness, is on
19 eighty per cent or more based on misunderstanding.
20 Evidently Mr. Furness has not examined the document
21 thoroughly. Everything is quite clearly stated in
22 the document. It was an open Court session. An
23 examination of all those participating in the trial
24 took place and it was properly recorded in conformity
25 with the procedural rules which are accepted in our

1 country. Defense counsel also participated in that
2 trial, and their names are given in the document.
3 I don't think it is necessary to waste the time of
4 the Tribunal on the contents of that document. It
5 is only necessary to read the document. Correction:
6 It is not necessary to waste the time of the Tribunal
7 enumerating everything that is stated in the docu-
8 ment. It is enough to read the document itself.

9 As far as the connection with the accused
10 in this trial is concerned, I should say that we are
11 establishing the facts and these facts will show the
12 relevancy of the matter to the accused. In our sub-
13 mission, this document is quite admissible, and it
14 is in conformity with the rulings of the Tribunal.

15 MR. FURNESS: If your Honor please, I do
16 wish to state that I was quite wrong in stating that
17 they were not represented by defense counsel. It is
18 apparent that they were. I wish to say that I did
19 not intend to mislead the Tribunal.

20 THE PRESIDENT: By a majority, the objections
21 are overruled and the document admitted on the usual
22 terms.

23 CLERK OF THE COURT: Prosecution document
24 1952, being entitled "The Minutes of the Trial," will
25 receive exhibit 3851 for identification only; and

the excerpt therefrom, being prosecution document
1 1952, will receive exhibit No. 3851A.

2 (Whereupon, the parent document
3 was marked prosecution exhibit No. 3851
4 for identification; and the excerpt there-
5 from, document 1952, was marked prosecution
6 exhibit No. 3851A and received in evidence.)
7

8 GENERAL VASILIEV: In order to save time, I
9 consider it possible to read only the part of the
10 judgment stating the fact. (Reading)

11 The Assizes of the Military Collegium of
12 the Supreme Court of the USSR "by investigation estab-
13 lished that in 1935 the white guards I. V. Kobylkin
14 and E. O. Pèreladov, having secretly penetrated into
15 the Soviet Union territory through Manchuria with the
16 aim of carrying out espionage, sabotage and terrorist
17 acts, were respectively apprehended at various dates
18 in the East Siberian Region, having arms, incendiary
19 cartridges and counter-revolutionary literature on
20 them.

21 "Later on at the end of May, 1935, Victor
22 Oleinikov was apprehended in the Zabaikalye while
23 crossing the frontier. He, too, had secretly pene-
24 trated into the Soviet territory together with two
25 other terrorists: Michail Oleinikov and Kustov who

1 were shot when attacking a border guard post. Re-
2 volvers, poisons, and counter-revolutionary litera-
3 ture were found on the shot men and on Victor Oleinikov
4 as well.

5 "It is established by the documents of the
6 case and by the confession of the defendants that
7 Kobylkin and Pereladov who turned out to be a white-
8 guard colonel and a white guard sub-lieutenant, re-
9 spectively, living in emigration in Northern Manchur-
10 ia since the rout of the white bands in the Soviet
11 Far East in 1922 until 1935, and being members of
12 various whiteguard counter-revolutionary organiza-
13 tions took an active part in their activities in pre-
14 paring an armed attack on the Soviet Union with the
15 aim of overthrowing the Soviet Power and of restoring
16 of capitalism with the help of foreign intervention.

17 "Having counter-revolutionary convictions and
18 pursuing these aims of his own free will as one of
19 the chiefs of the Eastern Department of the 'Russian
20 General Military Union,' Kobylkin also received and
21 obeyed instructions of the Secret Service officers of
22 a certain foreign power, being its secret agent. Be-
23 sides, Kobylkin holding an official position in the
24 police, helped and personally organized the smuggling
25 of armed bands, weapons and individual agents from

1 Manchuria to the Soviet territory to carry out espionage,
2 nage, and sabotages and terrorist acts.

3 "So, during the time when Kobylkin worked as
4 a police supervisor at the station of Djalainor, five
5 armed bands were smuggled from Manchuria to the
6 Soviet territory.

7 "In January, 1935, Kobylkin, following instructions of
8 secretary of the military mission of a
9 certain power in Kharbin, with the knowledge of the
10 head of the military mission of the same power in the
11 town of Manchuria, smuggled to the Soviet Union
12 territory the whiteguard Pereladov with the task of
13 carrying out espionage, sabotage and terrorist acts.

14 "Pursuing the same counter-revolutionary
15 aims and following the instructions of the already
16 mentioned secretary of the military mission in
17 Kharbin, Kobylkin himself, with the help of the head
18 of the military mission in the town of Manchuria,
19 crossed the Soviet frontier line with weapons on him
20 in March, 1935, but was held up. There were on him
21 two 'Mauser' and one 'Astra' pistols, a large quantity
22 of counter-revolutionary literature, and incendiary
23 cartridges to be used for setting on fire stores and
24 constructions of military importance.
25

"In the organizations of the transfer of

1 agents of the secret service of a certain power and
2 of representatives of counter-revolutionary organi-
3 zations into the Soviet territory, and in transporta-
4 tion of weapons and receiving espionage information,
5 Kobylkin was assisted by Victor Oleinikov, who,
6 since 1933 had maintained through General Shilnikov
7 close contact with the military mission of a certain
8 power in Kharbin.

9 "When General Shilnikov who being chief of
10 the Eastern Department of the Russian General Mili-
11 tary Union had simultaneously been a secret agent of
12 the said military mission in Kharbin, died in 1934 the
13 direction of the activities of the whiteguard organi-
14 zation of the 'Russian General Military Union' passed
15 on to Kobylkin, and Victor Oleinikov received his
16 instructions, both from Kobylkin and from the secretary
17 of the military mission in Kharbin, directly, and
18 from the heads of the military missions in the towns
19 of Manchuria and Hailar.

20 "With the help of Victor Oleinikov, who had
21 repeatedly crossed the frontier himself and smuggled
22 Pereladov, Kustov, Michail Oleinikov and even Kobylkin
23 himself, the latter transferred onto the Soviet Terri-
24 tory 12 pistols with a large supply of rounds for
25 committing terrorists acts, ten incendiary cartridges

1 for sabotage acts, a camera with films for espionage
2 work and poisons; strychnine and atropine, for the
3 same terrorist acts.

4 "Kobylkin, as he himself stated in his con-
5 fession and which is confirmed by Peredov's and Olei-
6 nikov's evidence, got all these things, intended for
7 carrying out espionage, sabotage and terroristic tasks
8 on the Soviet Union territory, from official repre-
9 sentatives of the Military Mission of a certain
10 power in the towns of Kharbin and Manchuria directly
11 or through the head of the editorial office of the
12 newspaper 'Kharbinskoya Vremya.'

13 "The same persons gave Kobylkin money for
14 carrying on counter-revolutionary sabotage work."
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1 I invite the attention of the Tribunal to the
2 fact that it is clear from the explanations given by
3 the accused Kobylkin at the closed session when the
4 term "a certain power" was used Japan was meant, and
5 this is mentioned in the record of the proceedings.

6 I ask that the witness KANDA be called.

7 - - -

8 M A S A T A N E K A N D A, called as a witness on
9 behalf of the prosecution, being first duly sworn,
10 testified through Japanese interpreters as follows:

11 DIRECT EXAMINATION

12 BY GENERAL VASILIEV:

13 Q - Your name, Mr. Witness?

14 A. KANDA, Masatane.

15 Q What was your rank in the Japanese Army?

16 A Lieutenant-General.

17 GENERAL VASILIEV: May the witness be shown
18 prosecution document 3087?

19 (Whereupon, a document was
20 handed to the witness.)

21 Q Please examine the document and tell us whether
22 it is your affidavit.

23 A This is my affidavit.

24 Q Are the contents of the affidavit true and
25 correct?

1 A Yes.

2 Q Have you given your testimony without any
3 duress?

4 A No.

5 GENERAL VASILIEV: The prosecution offered the
6 Japanese document entitled "Research Materials for
7 Sabotage Activities against Russia." The author of that
8 document was KANDA, Masatane. The document was admitted
9 in its entirety for identification, exhibit No. 698, and
10 one half identified by the witness KASAHARA was received
11 in evidence, exhibit No. 697. The defense objected to
12 the admission in evidence of the other half of the plan,
13 doubting its authenticity, record page 7,622 of the
14 transcript.

15 We have found Lieutenant-General of the Japa-
16 nese Army KANDA, Masatane, the author of the plan, and
17 he fully confirmed this document, making an appropriate
18 inscription on the original, exhibit No. 698. I respect-
19 fully ask Mr. President to examine the inscription. The
20 document is filed with the General Secretary of the Tri-
21 bunal.

22 The witness KANDA states in his affidavit that
23 he sent the whole text of the document to the General
24 Staff to Major KASAHARA.
25

 We offer in evidence prosecution document No.

1 3087, the affidavit of KANDA, Masatane.

2 THE MONITOR: Will the reporter read the ques-
3 tion before the witness said, "No"?

4 (Whereupon, the official court
5 reporter read as follows: "Q Have you give
6 given your testimony without any duress?

7 A No.")

8 THE INTERPRETER: That should be corrected, so
9 that he made his affidavit without duress.

10 THE MONITOR: "No" should be replaced by "As
11 you say."

12 THE PRESIDENT: Major Blakeney.

13 MR. BLAKENEY: I object to the reception of
14 this affidavit in evidence. The entire matter herein
15 related refers to a period prior to 1928, the commence-
16 ment date of the Indictment herein. The chief matter
17 of the testimony seems to be the identification of a
18 document of which the witness purports to recite the
19 contents. However, it now appears from counsel's
20 introductory statement that this document is already in
21 evidence as exhibit 697 or 8, I couldn't quite catch
22 which.

23 THE PRESIDENT: 698.

24 MR. BLAKENEY: He states, however, that only
25 part of the document was received in evidence. The

1 document, in any event, must be immaterial, relating as
2 it does to a period prior to the Indictment.

3 And even if the reason for the Tribunal's non-
4 acceptance of the other half of the document was, con-
5 cerning which I haven't the faintest memory, that it was
6 not sufficiently identified, the document itself still
7 remains immaterial and unimportant for present purposes.

8 What I do well remember is that the witness
9 KASAHARA, mentioned herein, conceded that he had been
10 engaged in intelligence concerning Soviet forces, that
11 he had prepared reports thereon, and had seen other
12 reports, all of which, I submit, amounts to nothing more
13 than what the Tribunal knows, that all armies conduct
14 intelligence, in view of which I suggest also the re-
15 jection of this document as having no probative value
16 against any of the issues in the case.

17 THE PRESIDENT: General Vasiliev.

18 GENERAL VASILIEV: If the Court please, when
19 we presented the document last year, I should say in
20 1946, the defense raised the same objection to the intro-
21 duction of that document, saying that the document was
22 irrelevant as it related to the period prior to the
23 period covered by the Indictment. At that time, the
24 Tribunal rejected the objections raised by the defense
25 as the document contained a plan for several years to

1 come, and one half of that document was received in
2 evidence. And it is quite natural that now we are offer-
3 ing the second half; it naturally follows, one from the
4 other.

5 And we offer this document in evidence now,
6 the second half of the document.

7 THE PRESIDENT: By a majority the objection is
8 overruled and the document admitted on the usual terms.

9 MR. FURNESS: We assume, your Honor, that that
10 applies only to the affidavit which this witness --

11 THE PRESIDENT: The document last tendered is
12 the affidavit. I am not readmitting exhibit No. 698.
13 There is no need to do that. I am speaking of the
14 affidavit.

15 CLERK OF THE COURT: Prosecution document 3087
16 will receive exhibit No. 3852.

17 (Whereupon, the document above
18 referred to was marked prosecution exhibit
19 No. 3852 and received in evidence.)

20 GENERAL VASILIEV: Your Honor, we have only
21 two minutes left. Probably it would be better to read
22 the affidavit after the recess.

23 THE PRESIDENT: We will adjourn until half past
24 one.
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(Whereupon, at 1200, a recess was taken.)

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AFTERNOON SESSION

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2 The Tribunal met, pursuant to recess, at
3 1330.

4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.

6 THE PRESIDENT: The accused ARAKI is now
7 present.

8 General Vasiliev.
9

10 - - -

11 M A S A T A N E K A N D A, called as a witness on
12 behalf of the prosecution, resumed the stand
13 and testified through Japanese interpreters
14 as follows:

DIRECT EXAMINATION

15
16 GENERAL VASILIEV: I shall now read the
17 affidavit of the witness KANDA, Masatane, omitting
18 the formal parts.

19 "From April 1924 to April 1925, I served
20 in the Fourth Division of the Second Section of the
21 Japanese General Staff Office.

22 "In April 1925, I was transferred to the
23 Headquarters of the Kwantung Army on the recommendation
24 of the Chief of the Second Section of the Japanese
25 General Staff Office in order to aid in the business

1 of collecting material at the Harbin Intelligence
2 Office on the military topography of North Manchuria
3 and the U.S.S.R.

4 "At the same time, getting the permission
5 of the Chief of the Second Section, I was to investi-
6 gate methods /of drawing up/ an anti-Soviet subversive
7 plan at the Harbin Intelligence Service Office.

8 "I was in the Harbin Intelligence Service
9 from April 1925 until December 1927 and studied the
10 problems of strategic activity against Soviet Russia.

11 "I wrote a report on the study of methods of
12 strategy against Soviet Russia at the end of 1927
13 while I was a member of the Harbin Intelligence Service.
14 At the end of 1927, I sent the report to Colonel
15 KAWAMOTO, /officer/ in charge of intelligence of
16 Kwantung Army Headquarters and the full text of the
17 same document as secret documents direct to Major
18 KASAHARA, Chief of the Russian Department of the Second
19 Section of the General Staff, whose function was handling
20 Russian problems. The reason I sent this report was
21 that I wished to inform Kwantung Army Headquarters and
22 the quarters concerned in the General Staff of all the
23 problems stated in it.

24 "I hereby affirm with confidence that the
25 document entitled 'Research Materials for a Strategic

1 Plan Towards Russia' which has just been presented to
2 me is a photographic copy consisting of 50 pages and
3 that it is really the whole text of the secret docu-
4 ment which I had drawn up in 1927 and sent to Colonel
5 KAWAMOTO, /officer/ in charge of intelligence of
6 Kwantung Army Headquarters and also to Major KASAHARA,
7 Chief of the Russian Department of the Second Section
8 of the General Staff Office.

9 "The document presented consists of six items
10 and additional remarks:

11 "1. The outline of a strategic plan towards
12 Russia.

13 "2. Summary of an espionage plan which is
14 to be carried out in Siberia and points east.

15 "3. Agencies which are to be established
16 for the purpose of carrying out the strategic plan
17 in Siberia and eastwards and their activities.

18 "4. That part of the strategic plan relating
19 to the means of communications in North China.

20 "5. That part of the strategic plan con-
21 nected with the collection of resources in North China.

22 "6. A collection of reference materials.

23 "Appendix: Peace-time establishments
24 necessary in the Far East for the strategic plan cover-
25 ing Russia.

1 "To certify the above-mentioned facts, I
2 hereby sign and date the back of each page of the docu-
3 ment I have confirmed.

4 "This affidavit was drawn up in my own hand
5 and is at no variance with the facts in every parti-
6 cular."

7 Signed, "Masatane KANDA."

8 May the witness be shown exhibit No. 698?

9 BY GENERAL VASILIEV:

10 Q Please examine this document and tell us
11 whether you identify this document as your report.

12 A Yes, this is.

13 GENERAL VASILIEV: I offer this document in
14 evidence. It was received for identification as
15 exhibit No. 698. The first three chapters of this
16 document were received in evidence and have exhibit
17 No. 697.

18 THE PRESIDENT: Major Furness.

19 MR. FURNESS: If your Honor please, we object
20 to the reception of this document in evidence on the
21 ground that it is not on the prosecution's order of
22 proof. We have had no notice it was to be offered.

23 I believe that I am correct in stating that
24 exhibit 697 was the affidavit of a man named KASAHARA,
25 and that the document which your Honor apparently now

1 has in his hands was not marked for identification,
2 but the first three chapters were received in evidence.
3 The first three chapters were identified by KASAHARA.
4 He did not identify the remainder of the document;
5 and, therefore, the Court received only the first three
6 chapters.

7 As I stated, we had no notice in the order
8 of proof that the remainder of the document was going
9 to be offered, and we therefore object to its being
10 received.

11 THE PRESIDENT: This is a pertinent obser-
12 vation, if I may say so, from a colleague: "They" --
13 meaning you -- "must be familiar with it, as they
14 successfully excluded part of it previously."

15 MR. FURNESS: I should like to call atten-
16 tion to the fact that the exhibit which has just been
17 received into evidence and read does not refer to this
18 document in a way that we could identify it. So that
19 we could have identified it, it would have been a
20 simple matter to put it on the order of proof.

21
22 GENERAL VASILIEV: If the Court please, this
23 document in its entirety was processed and served on
24 the defense. That was about a year and a half ago --
25 to be exact, in October, 1946. This document is not
on our order of proof because this document is

1 mentioned in the affidavit of this witness, and the
2 affidavit has been drawn up specially for that purpose.
3 Therefore, I think that we have not broken any rules
4 of the Tribunal.

5 I request that in addition to document 698 --
6 exhibit 698, which is the first half of the report,
7 the second half of the report be admitted in evidence
8 and given a proper exhibit number.

9 RUSSIAN MONITOR: The second half of the
10 document beginning with part 4.

11 MR. FURNESS: If your Honor please, I should
12 like to call attention to the fact that exhibit 3852
13 refers to document entitled "Research Materials for
14 Strategic Plan towards Soviet Russia." Exhibit No. 698
15 has no title whatever.

16 THE PRESIDENT: The witness has identified
17 it, though. The objection is overruled and the document
18 admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution document
20 2460, now exhibit 698 for identification only, will
21 be marked as received in evidence and will retain the
22 same exhibit number.

23 (Whereupon, exhibit No. 698, pre-
24 viously marked for identification, was
25 received in evidence.)

1 GENERAL VASILIEV: I do not desire to read
2 the document because the greater part of the document
3 has already been read, and the titles of the chapters
4 are already given in the affidavit of the present
5 witness. So to save time, I am not going to read the
6 document.
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1 THE PRESIDENT: General Vasiliev, the Judges
2 are asking for copies of this document.

3 GENERAL VASILIEV: Your Honor, this document
4 was processed in its entirety in October, 1946. If
5 the need arises to do it again, I can offer to the
6 Tribunal additional copies of it.

7 THE PRESIDENT: I have mine, but I understand
8 some of the Judges have not theirs. However, we will
9 consider what you have just said.

10 GENERAL VASILIEV: We will certainly check it
11 up and serve additional copies if necessary.

12 THE PRESIDENT: Yes.

13 GENERAL VASILIEV: The defense may cross-
14 examine the witness if they so desire.

15 THE PRESIDENT: Major Furness.

16 MR. FURNESS: If the Court please, we would
17 like to reserve the right to cross-examine this wit-
18 ness until we have made another examination of the
19 part of exhibit 698 which was not admitted into evi-
20 dence. As I stated, we had no notice that the remainder
21 of this document was to be offered. We have not made
22 another study of it, and most of us, just like the Court,
23 do not have it with us.

24 THE PRESIDENT: We think the witness ought to be
25 stood down until the defense have an opportunity of

1 looking into the document. You will be ready tomorrow
2 morning no doubt, Major Furness?

3 MR. FURNESS: Well, your Honor, we will try
4 to get ready as quickly as we can.

5 THE PRESIDENT: Yes. He will be stood down
6 until tomorrow morning at 9:30.

7 GENERAL VASILIEV: If the Court please, we
8 offer in evidence a group of documents having prosecu-
9 tion's number 3334, proving the subversive activities
10 of the Japanese agents on the Chinese Eastern railway
11 conducted for the purpose of creating conditions which
12 would compel the U.S.S.R. to sell the railway and in-
13 fluence favourably for Japan the terms of the payment.

14 In the course of his cross-examination the
15 accused TOGO admitted that the Soviet Government made
16 representations charging the Japanese-Manchurian
17 authorities with illegal actions on the Chinese Eastern
18 railway, record page 35,967.

19 Besides, these documents rebut the evidence of
20 the defense containing the allegations that the sale of
21 the railway was voluntary on the part of the U.S.S.R. and
22 that Japanese agents committed no illegal actions on the
23 railway, record pages 29,427, 29,429, 35,418, and 35,484.

24 On that ground it is proper to tender our docu-
25 ments at this stage.

1 1. I first offer in evidence prosecution
2 document No. 3334, a memorandum on the basic principles
3 of the purchase of the Chinese Eastern Railway sub-
4 mitted by the Soviet delegation at the meeting on July
5 3, 1933.

6 During the cross-examination of TOGO this
7 document was admitted for identification, exhibit No.
8 3651.

9 To save time I shall read only the title and
10 the first three items of Section 2.

11 THE PRESIDENT: Major Blakeney.

12 MR. BLAKENEY: The question of alleged illegal
13 actions by the Japanese, so extensively referred to by
14 counsel, can be met when reached. They are not involved
15 in this document. This document is a memorandum prepared
16 by the Soviet delegation, apparently for the purpose
17 of submission to the Manchukuo delegation at a meeting
18 in connection with the negotiations for the sale of
19 this railway. As is shown by its title and, more es-
20 pecially, by the title of the section headed "I," it
21 is a discussion of the value of the railway. This docu-
22 ment is the typical representation by a would-be seller
23 made to induce the purchase of his property, and attempt-
24 ing to show it in the most favorable light possible,
25 and for all I know, is perfectly accurate in all its

1 figures and statements in that regard. But such a
2 document prepared for such a purpose, I submit, can be
3 nothing more than a self-serving declaration of one of
4 the parties to the transaction, and if it did contain
5 matter tending to support any of the allegations of
6 the prosecution in regard to this transaction, it would,
7 I submit, have to be rejected as having no probative
8 value and no importance, in view of its origin and pur-
9 pose, and I therefore object to its reception.

10 THE PRESIDENT: Mr. Yamaoka.

11 MR. YAMAOKA: May it please the Tribunal, I
12 wish to object to this document on behalf of Mr. HIROTA.

13 In our submission, details mentioned in this
14 document have been amply covered by the KAMEYAMA
15 affidavit, exhibit 3234, at record 29,426, and the final
16 contract of sale concluded between the parties, exhibit
17 443-A, at record 5042.

18 There is another exhibit I invite the Tribunal's
19 attention to, No. 3235-A, record 29,435. In our sub-
20 mission, this document is repetitive and does not add
21 anything new. The whole matter was settled as between
22 the parties by a valid contract, and congratulatory
23 telegrams were exchanged as between the heads of the
24 departments of the two governments handling the matter,
25 which are exhibits 3251, at record 29,612, and a state-

1 ment was made by Mr. Litvinov upon the conclusion of
2 the contract, exhibit 3252, at record 29,616.

3 In addition, if your Honors please, to being
4 repetitive, I respectfully submit it adds nothing new
5 to the case and is not intended to meet any proof sub-
6 mitted by the defense. Therefore it has no probative
7 value and is unimportant and should be rejected.
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1 THE PRESIDENT: Do you wish to add anything,
2 General?

3 GENERAL VASILIEV: Yes, a few words, sir.
4 That the document is relevant to the issues involved
5 in this case was confirmed in the first part of
6 Mr. Yamaoka's statement to the Court, that is, his
7 reply to what Mr. Blakeney said on the subject that
8 allegedly that document is not relevant, and all the
9 rest is an argumentative matter which will be considered
10 by the Tribunal while rendering the verdict -- is a
11 matter of argument.

12 THE PRESIDENT: By a majority the objection
13 is overruled and the document admitted on the usual
14 terms on my casting vote.

15 CLERK OF THE COURT: Prosecution document
16 3334, now exhibit 3651 for identification only, will
17 be marked as received in evidence and will retain the
18 same exhibit number.

19 (Whereupon, exhibit No. 3651, previously
20 marked for identification, was received in
21 evidence.)

22 GENERAL VASILIEV: I shall read the title
23 of the document and part of Chapter 2:

24 "Memorandum on the basic principles of the
25 purchase of the Chinese Eastern Railway by Manchoukuo

(submitted by the Soviet delegation at the meeting on July 3, 1933)."

I pass over to Section 2.

"II. The purchasing price and the methods of payment.

"1. In defining the purchasing price of the Chinese Eastern Railway and its property one should adhere to item 2, article 1 of the Mukden Agreement setting forth that the contracting parties in the course of the purchase will define the real value of the Chinese Eastern Railway and state that the railway should be purchased at a fair price.

"In conformity with this and taking into consideration the basic articles of the balance precisely establishing the real expenditures for the construction and development of the Chinese Eastern Railway the Soviet Government being guided at the same time by the principle of justice carefully considered all the circumstances enabling it to considerably cut down the purchasing price.

"2. The sum total of expenditures for the construction of the railway for the completion of the work left undone for the acquisition of the rolling stock, losses in the course of the utilization of the capital for the construction and for the payment of

1 interests in the course of the construction as well
2 as expenditures in connection with improvement of the
3 railway amounts to 411,691,976 golden roubles.

4 "This sum does not include 178,579,610 golden
5 roubles lent by the former Tsarist Government to the
6 Chinese Eastern Railway to make up deficits and to
7 maintain the railway during the first years of its
8 existence. The great indebtedness of the railway to
9 the Government of the USSR due to the interests on the
10 capital invested in the Chinese Eastern Railway and
11 mentioned in the balance has likewise not been taken
12 into consideration.

13 "Moreover, taking into consideration some
14 wear of the technical equipment and some changes in
15 the economic importance of the Chinese Eastern Railway
16 in connection with the construction of new railways
17 and trying to cut down the purchasing price as much as
18 possible the Soviet Government agree to reduce the
19 purchasing price of the Chinese Eastern Railway in
20 conformity with the above-mentioned articles of the
21 balance to 210 million golden roubles instead of actual
22 expenditures amounting to 411,691,967 golden roubles.

23 "3. However, this sum (210 million golden
24 roubles) does not include the cost of various property
25 of the Chinese Eastern Railway which itself is of great

1 economic importance and the original cost of which
2 has considerably increased due to the development of
3 the Chinese Eastern Railway.

4 "It is common knowledge that the Railway is
5 the owner of the large land property.

6 "In conformity with the Peiping and Mukden
7 agreements the Soviet Government agreed to transfer
8 the land which the railway does not need to the
9 Chinese authorities. In 1925 upon the proposal of the
10 Soviet Government the joint Soviet-Chinese commission
11 for the delimitation of land was established. How-
12 ever, the Mukden authorities evaded convoking this
13 commission preferring to unlawfully seize the land
14 of the railway piecemeal.

15 "Without going into the details in establish-
16 ing the cost of this land which should undoubtedly be
17 left in the possession of the railway as well as the
18 cost of the rich forest concession of the Chinese
19 Eastern Railway which also are of great importance the
20 Soviet Government agree to estimate all this property
21 of the railway as amounting only to 40 million golden
22 roubles which is considerably below its actual cost.

23 "In accordance with the above-mentioned, the
24 total purchasing price of the Chinese Eastern Railway
25 and of all its property is fixed 250 million golden

38,254

1 roubles. (210 million golden roubles plus 40 million
2 golden roubles, 1 golden rouble is equal to 1.04
3 golden yer.)"
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1 I next offer in evidence prosecution document
2 No. 3334-E, a note of the Soviet Ambassador in Tokyo
3 to the Japanese Minister of Foreign Affairs HIROTA
4 dated July 22, 1934.

5 In the cross-examination of TOGO this docu-
6 ment was admitted for identification and received
7 exhibit No. 3650.

8 THE PRESIDENT: Major Blakeney.

9 MR. BLAKENEY: I object to the reception into
10 evidence of this document on the following ground:
11 This communication, as is shown by the termination of
12 the fourth paragraph from the end thereof, is simply
13 a protest lodged by the Soviet authorities with the
14 Government of Japan, by all events, purports to be
15 a protest so lodged. I submit that the lodging of
16 the protest by one of the parties with the other is no
17 evidence of the occurrence of the incidents therein
18 referred to. And, in any event, this document is
19 certified to be a copy of the original in Moscow
20 which I think makes it clear that the original was not
21 served upon the Japanese Government. I, therefore,
22 submit that it has neither probative value nor import-
23 ance and should be rejected.
24

25 THE PRESIDENT: Mr. Yamaoka.

MR. YAMAOKA: May it please the Tribunal, I

1 also wish to enter an objection on behalf of Mr.
2 HIROTA. In addition to the reasons set forth by my
3 learned friend, Mr. Blakeney, I wish to state that
4 similar protests are already in evidence. They are
5 exhibit 748 at record 7,739 and exhibit 749.

6 The Tribunal will undoubtedly recall that
7 when this Chinese Eastern Railway question was first
8 brought forth here the defense protested on the ground
9 that the matter had been settled and that it should
10 not be reopened. However, our objections were over-
11 ruled and the evidence by the prosecution was admitted.
12 Later on in the defense case we endeavored to submit
13 documents dealing with this problem in order to meet
14 the issue raised by the prosecution; and, particularly,
15 I recall that during the presentation of Mr. HIROTA's
16 case, when some of these documents came up before the
17 Tribunal, the prosecution objected to their admission
18 on the ground that they were not important, were
19 repetitive, and contained nothing new. Then the
20 question came up as to the exact purpose of the
21 prosecution in bringing this matter into issue, and I
22 beg to refer the Tribunal, if I may, to record 29,443
23 at which, in reply to an inquiry by the President,
24 Mr. Carr stated, "There is no specific allegation
25 about it in the Indictment, nor is it an important

1 part of the evidence of conspiracy, but it is only as
2 evidence of conspiracy and preparation that it was
3 introduced."

4 At the suggestion of the President that
5 the clarification of Mr. Carr may obviate the neces-
6 sity of tendering additional documents dealing with
7 this subject, we, in the HINOTA case, did withdraw
8 from our order of proof several documents dealing
9 specifically with this question. Now, a slight
10 modification was taken by Mr. Carr, as I recall it,
11 your Honors please, but substantially the record re-
12 mains in apposition and, consequently, in my respect-
13 ful submission, these documents which are now supposed
14 to be submitted here are repetitive, have no import-
15 ance, and, if the example is followed in the case
16 when the defense was presenting its case, these docu-
17 ments should be rejected.

18 THE PRESIDENT: General Vasiliev.

19 GENERAL VASILIEV: Mr. Yamaoka referred to
20 Mr. Comyns Carr, the prosecutor from the British
21 Commonwealth of Nations, and Mr. Yamaoka relied more
22 on his memory than his memory could have helped him.

23 THE PRESIDENT: I cannot hear a word of the
24 translation. Repeat that, please.

25 (Whereupon, General Vasiliev's

1 statement was read by the official court
2 reporter.)

3 GENERAL VASILIEV: Mr. Conyns Carr withdrew
4 his statement on that subject, and the defense con-
5 tinued the presentation of their evidence.

6 THE PRESIDENT: My line is out of order.
7 Repeat what he said.

8 (Whereupon, General Vasiliev's
9 last statement was read by the official
10 court reporter.)

11 GENERAL VASILIEV: Most of what Mr. Yamaoka
12 said is a matter of argument, and I do not think it
13 is necessary to deal with this now. It is not proper
14 to deal with this now. I understand that when the
15 Tribunal marked the document for identification in
16 the cross-examination of the accused TOGO, it de-
17 cided the matter of probative value of the document
18 and its relevancy to the issues involved in this case.

19 THE PRESIDENT: That is not so, General.
20 By a majority, the objections are sustained and the
21 document rejected.

22 General Vasiliev.

23
24 GENERAL VASILIEV: I offer in evidence prose-
25 cution document 3334-A, a report of the director of
the railway from the USSR to the board of directors

38,259

1 of the Chinese Eastern railway, dated August 7, 1934.

2 I intend to read only the first page of
3 the English text.

4 THE PRESIDENT: Major Blakeney.
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38,259

1 of the Chinese Eastern railway, dated August 7, 1934.

2 I intend to read only the first page of
3 the English text.

4 THE PRESIDENT: Major Blakeney.
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1 MR. BLAKENEY: If the Tribunal please, I
2 wish to make the objections to this document that it
3 can have no probative value, being only a report by
4 someone denominated Director of the Chinese Eastern
5 Railway to the Board of Directors of the same organi-
6 zation. This document, of course, might possibly
7 prove to be some of the material upon the basis of
8 which were made such protests as the one just excluded
9 and others which have been received. If that be the
10 position, I submit, it has no importance whatever.

11 On the question of probative value, however,
12 I think we should notice also the following curious
13 facts in connection with this document.

14 This is a long and I am afraid not too lucid
15 dissertation on malicious actions and accidents in
16 connection with the operations of the Chinese Eastern
17 Railway. The only offer contained in the document to
18 charge any blame for these malicious actions seems to
19 place it on some entity known as the Headquarters,
20 which is referred to repeatedly and letters from whom
21 are even quoted from in the text. And, parenthetically,
22 those letters should, of course, be produced rather
23 than this second document reciting their contents.
24 However, from a reading of the whole document it appears
25 that this Headquarters is an organization policing the

1 railway zone and, therefore, presumably an organization
2 either under the control of or closely allied with
3 the railway which is operating within that zone.

4 Therefore, I submit that the only reasonable
5 conclusion which can be drawn from a reading of this
6 document is that in their private communications among
7 themselves the railway was really complaining of these
8 incidents as being all attributed to their headquarters
9 or guard troops and, therefore, that the document has
10 no probative value on any issue here involved.

11 THE PRESIDENT: Mr. Yamaoka.

12 MR. YAMAOKA: May it please the Tribunal,
13 I have an objection to this tender on behalf of
14 Mr. HIROTA, and at the same time beg to invite the
15 Tribunal's attention to exhibits 748 and 749, which I
16 have mentioned previously.

17 This proposed tender is merely repetitive.
18 Moreover, I wish to add it is my recollection that at
19 the time in August, 1934, the railway guards along the
20 Chinese Eastern Railway were not Japanese at all but
21 were either Manchukuoans or Russians, and I do not
22 recall any evidence in the case tying up any of these
23 alleged actions with the Japanese, and particularly the
24 accused HIROTA. I therefore respectfully submit that
25 the document should be rejected.

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1 GENERAL VASILIEV: What Mr. Yamaoka has said
2 is either a matter of argument, or Mr. Yamaoka takes
3 upon himself the roll of a witness here and testifies
4 what in his opinion was guarded and was not guarded on
5 the railway. Correction: Who guarded the railway and
6 who did not guard the railway.

7 In our submission this document is proper
8 evidence and is quite admissible. And this document is
9 in full conformity with all the rules laid down by the
10 Tribunal. Among other documents this document will
11 assist the Tribunal to have a full objective picture
12 of what took place on the railway. Therefore, I offer
13 this document in evidence and ask the Tribunal to re-
14 ceive it.

15 THE PRESIDENT: By a majority the objection is
16 sustained and the document rejected.

17 GENERAL VASILIEV: I offer in evidence prose-
18 cution's document No. 3334-F, a letter of the Consul-
19 General of the U.S.S.R. in Harbin of April 19, 1934
20 with an attached list of Soviet citizens arrested by the
21 Manchurian authorities.

22 I desire to read only the first four para-
23 graphs at page 1.

24 THE PRESIDENT: Major Blakeney, did you con-
25 duct the Russian phase for the defense?

1 MR. BLAKENEY: It was conducted largely,
2 if not wholly, by Mr. Furness and me.

3 I have objections to this document on several
4 grounds. This is the first of a series of five docu-
5 ments of similar nature addressed to the two men men-
6 tioned herein, Mr. SHIMAMURA, who appears above the
7 text, and Mr. Shi Lui-Ben, who appears in the first
8 line of the text.

9 The evidence already in the case, and I refer
10 especially to the testimony of defendant TOGO as well
11 as evidence on the current order of proof but not yet
12 tendered, and especially document No. 3334-G, show that
13 Mr. Shi Lui-Ben is an official of the Foreign Office
14 of Manchukuo, and, therefore, Mr. SHIMAMURA is presuma-
15 bly likewise since the two are coupled in the first
16 sentence of the document. These protests, then, ad-
17 dressed to the Ministry of Foreign Affairs of Manchu-
18 kuo, or rather to an Acting Special Commissioner there-
19 of, would in no way tend to show the bringing home of
20 notice either to the Japanese Government or to any of
21 these defendants of the matters therein contained.

22 Additionally, the document now under considera-
23 tion is objectionable, first, in that it contains a long
24 list of persons alleged to have been arrested, as is
25 stated herein, without the slightest legal grounds, and
is thus a mere conclusion.

1 The main body of the document is the story
2 of some unfortunate individual who was subjected to
3 acts of violence but, as appears from the second
4 paragraph from the bottom of page 1, he was subjected
5 to this violence by three persons apparently of Russian
6 origin or nationality, these persons being identified
7 as Rusev, Topyga and "some young Russian detective."

8 If we concede the truth of the allegations
9 made against them it has no tendency to prove any crime,
10 the commission of any crime by any Japanese or even
11 the knowledge thereof and I, therefore, submit that
12 this self-serving protest has neither probative value
13 nor importance.

14 THE PRESIDENT: Have you any new matter,
15 Mr. Yamaoka?

16 MR. YAMAOKA: No, if your Honors please. I
17 just wish to enter an objection on grounds that I
18 previously advanced for other documents.

19 THE PRESIDENT: General Vasiliev.

20 GENERAL VASILIEV: This document constitutes
21 the facts which could not have been invented.

22 RUSSIAN MONITOR: Which actually took place.

23 GENERAL VASILIEV: This document has been
24 taken from the archives and this document is, so to
25 speak, a piece of life, and this document presents value

to the Tribunal.

1 RUSSIAN MONITOR: And this document was taken
2 from the archives pertaining to that time.

3 THE PRESIDENT: By a majority the objection
4 is sustained and the document rejected.

5 GENERAL VASILIEV: I offer in evidence
6 prosecution's document No. 3334-C, a letter of the
7 Chief of the Consulate-General of the U.S.S.R. in
8 Harbin dated August 21, 1934, with an attached list
9 of arrested Soviet citizens.
10

11 THE PRESIDENT: Major Blakeney:

12 MR. BLAKENEY: I do not think it necessary to
13 repeat the grounds of objection to this document which
14 stands in precisely the same case as the one last
15 tendered and rejected.

16 THE PRESIDENT: There is no additional feature.

17 MR. BLAKENEY: The only difference which might
18 be felt at all material but which I believe is not is
19 that this document states in so many words that the
20 acts complained of were committed by Manchurian police
21 authorities. I, therefore, object to its reception.
22

23 THE PRESIDENT: General Vasiliev.

24 GENERAL VASILIEV: I ask the Tribunal to
25 receive this document in evidence.

 THE PRESIDENT: By a majority the objection

1 is sustained and the document rejected.

2 We will recess for fifteen minutes.

3 (Whereupon, at 1445, a recess was
4 taken until 1500, after which the proceed-
5 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Captain Kraft.

4 LANGUAGE ARBITER (Captain Kraft): If the
5 Tribunal please, the following language correction
6 is submitted:

7 Record page 36,140, line 8: Delete "if I am
8 not mistaken."

9 THE PRESIDENT: General Vasiliev.

10 GENERAL VASILIEV: If the Court please, out
11 of the remaining documents of this group, I think it
12 necessary to offer only one document, that is No.
13 3334-G. This document as far as its form is concerned
14 is in conformity with the rules of the Tribunal.
15 Similar diplomatic documents were received by the
16 Tribunal both from the defense and the prosecution
17 in great numbers. This document sums up for a definite
18 period what occurred on the Chinese Eastern Railway
19 and the events which hampered the functioning of the
20 railway to a great extent. The document states spe-
21 cific facts, names, dates, and also outlines the
22 arrests, outrages, and inhuman treatment of various
23 Soviet citizens. In our submission this document is
24 relevant and material, and it will assist the Tribunal
25 to have a full and objective picture of what actually

1 occurred on the Chinese Eastern Railway.

2 THE PRESIDENT: Major Blakeney.

3 MR. BLAKENEY: I take an objection to this
4 document on substantially the same grounds as in the
5 case of the last two tendered and rejected. The
6 difference is primarily that rather than being a protest
7 addressed to Shi Lui-ben this one is a summary of the
8 correspondence between the Consulate-General of the
9 U. S. S. R. and Shi Lui-ben; and I submit that it is
10 another self-serving, argumentative document, having
11 no relation to any of these defendants nor to the
12 Government of Japan, and having therefore no probative
13 value or importance.

14 THE PRESIDENT: What is the date of the
15 protest, General?

16 The date does not appear; the date of the
17 protest does not appear as far as we can see.

18 GENERAL VASILIEV: November 26, 1934.

19 THE PRESIDENT: 1934 does not appear in the
20 document.

21
22 GENERAL VASILIEV: I beg the pardon of the
23 Tribunal. This is a technical error. On the original
24 document there is a date, November 26, 1934.

25 RUSSIAN MONITOR: On the original document
filed with the Secretariat of the Tribunal.

1 THE PRESIDENT: By a majority the objection
2 is upheld and the document rejected.

3 General Vasiliev.

4 GENERAL VASILIEV: I offer the document
5 No. 2329-B.

6 The Tribunal received from us for identi-
7 fication the book, "Great Manchurian Empire," pub-
8 lished on occasion of the ten-year jubilee (exhibit
9 No. 731) and an excerpt therefrom was received in
10 evidence (exhibit No. 731-A).

11 We offer in evidence other excerpts from
12 this book to rebut the evidence offered by the
13 defense to the effect that the Concordia Society was
14 not engaged in politics, that the Command of the
15 Kwantung Army did not direct the activities of the
16 society and that the society aimed only at the
17 development of culture and cooperation among the
18 nations. I refer to pages 19,227, 20,148-20,153 of
19 the transcript.
20

21 THE PRESIDENT: Major Furness.

22 MR. FURNESS: If the Court please, we object
23 to the offer of this evidence. We believe it is
24 repetitive, already covered in the original case.
25 The only mention of any defendant in this document
is the defendant UMEZU on the bottom of page 3, but

1 this only shows that he received a visiting prince,
2 which I submit was part of his duties and in no way
3 any evidence of any criminal activities. It does on
4 page 5 mention what is known as the Nomonhan Incident,
5 but this mention has no particular bearing on the
6 case. It shows that certain volunteer detachments
7 of this Concordia Society rendered great help in the
8 defense of the City of Hailar, and we submit that even
9 the prosecution will admit that the City of Hailar is
10 far in the interior of Manchukuo. It either shows
11 that in the course of this incident the Russian troops
12 penetrated far beyond the border which even they
13 claimed or it shows that this particular type of
14 evidence is of no value. We submit, therefore, the
15 document should be rejected.

16 THE PRESIDENT: General Vasiliev.

17 GENERAL VASILIEV: If the Court please, the
18 Kyo-Wa-Kai Society or the Concordia Society was very
19 often mentioned in this Tribunal in the course of the
20 presentation of the individual phases. This matter has
21 bearing on several of the accused, and then it is
22 important for the understanding of what was going on
23 in Manchuria with the view of transforming it into
24 a military base for an attack on the Soviet Union.
25 In this book the Kyo-Wa-Kai Society or the Concordia

1 Society tells of its own activities, work it was
2 engaged in. This certainly is of great importance,
3 especially if we take into consideration that the
4 membership of the Concordia Society amounted to several
5 million people. And the Commanding General of the
6 Kwantung Army was an honorary president of the society
7 and daily directed its activities. Therefore, I ask
8 the Tribunal to receive this document in evidence.

9 THE PRESIDENT: By a majority the objection
10 is overruled and the document admitted on the usual
11 terms.

12 CLERK OF THE COURT: Prosecution document
13 2329-B will receive exhibit No. 3853.

14 (Whereupon, the document above
15 referred to was marked prosecution exhibit
16 No. 3853 and received in evidence.)
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THE PRESIDENT: General Vasiliev.

1 GENERAL VASILIEV: If the Court please, to
2 save time I am going to read only some of the excerpts
3 from the book. The excerpts I am going to read are
4 marked in the copies which have been served on the
5 Tribunal.

6 "Page 177.

7 "In connection with the commencement of
8 Chinese events of July 7 (the 4th year of Kan-De) the
9 Central Headquarters of the Kyo-Wa-Kai for the purpose
10 of national mobilization of spirit sent to all pro-
11 vincial and district headquarters instructions as to
12 the rousing of national spirit in masses of the popu-
13 lation, propagation of economy, unselfish service,
14 renovation of life, etc. Those instructions were
15 strictly carried out in conformity with local condi-
16 tions and that contributed to quieting the population
17 and to conducting general state mobilization of spirit
18 for the period in what the events would take place.
19 One of such measures was having on first day of each
20 month a day of service devoted to the Greater Asia
21 for which purpose all members of local branches of
22 the Concordia society assemble in shrines. Further-
23 more, all provincial and district headquarters of the
24 Concordia society conducted organizational meetings
25

1 at which were explained the reasons for the outbreak
2 of the Chinese incident.

3 "5th year of Kangte (1938).

4 "In connection with the commencement of
5 Chinese events the Concordia Society headed the move-
6 ment for collecting donations in the country for
7 building aircraft for military purposes.

8 "In connection with the establishment of
9 diplomatic relations with friendly European countries,
10 Manchu-Di-Go on the initiative of the Concordia Society
11 sent to those countries its official mission for
12 strengthening friendship and economic relations with
13 them as well as for establishing a common powerful
14 anti-communist bloc. To the end of August of the 5th
15 year of Kende there were 123 district and town
16 Headquarters of the Concordia Society, 3000 branches
17 with 1,000,000 active members.

18 "Page 179.

19 "The Concordia Society in Nomonghan events.

20 "We must separately deal with an important
21 and responsible work of the Concordia Society in the
22 period of 'Nomonghan events' called so after the name
23 of the area in which they took place.

24 "Japan and Manchukuo in conformity with
25 their treaty of friendship joined forces and came

1 forward to protect the frontiers of the state. The
2 Concordia Society from the very commencement of the
3 events took an active part in the defense of the state
4 and established close relations with the government
5 and its local organs.

6 "First of all the Concordia Society took
7 measures to maintain peace within the country, to
8 fight and prevent provocations and sabotage, and was
9 especially active in the field of mobilization of
10 the spirit of the population of the country and
11 mainly in the Hailar district close to the scene of
12 events.

13 "A special committee was formed by the Hailar
14 authorities for this purpose. The Concordia Society
15 undertook also propaganda and information activities.

16 "Volunteer detachments were organized under
17 the direction of the Concordia Society; they rendered
18 great help in the defense of the city, in the consolida-
19 tion of the rear and in assisting the fighting army.

20 * * * * *

21 "The enlarged net of the Concordia Society
22 consisted of 3,569 branches with 2,050,000 members in
23 the whole country.

24 "On December 8, 1941, the Holy War for the
25 Greater East Asia broke out. Following the Rescript

1 of His Majesty Tenno declaring war on the USA and
2 Britain, His Majesty, the Emperor, graciously promul-
3 gated a Rescript about the support of the righteous
4 cause of the kindred Nipponese Empire.

5 "On the same day Director of the State
6 Chamber TAKEBE promulgated a declaration in the name
7 of the Government in which it was stated that the people
8 of the Empire must render every possible spiritual
9 and physical help to Nippon which consisted of:

10 "1) Strengthening of Spirit.

11 "2) Inseparable ties between Manchoukuo
12 and Nippon.

13 "3) Strengthening of the joint defense of
14 Nippon and Manchoukuo.

15 "4) Helping with resources, personnel
16 manpower, materials and products.

17 "5) A unified effort of sacrificial work of
18 all groups of the population.

19 "6) Keeping secrecy, suppressing rumours
20 and provocations.

21 "7) Economizing staple products and con-
22 trolling of supply.

23 "The statement containing full support of
24 the basic policies of the government was promulgated
25 by the Central Headquarters of the Concordia Society

on the same day.

"The 9th year of Kangte (1942).

"The carrying out of defensive maneuvers and the strengthening of the personnel for defense were the principal items of the Concordia Society activities."

Page 10 of the English text:

"To strengthen the ties between the administration and the Concordia Society the governors were appointed to the posts of chiefs of provincial headquarters of the Concordia Society. Their deputies -- vice-governors -- were appointed deputy chiefs of the headquarters. Similar measures were carried out with regard to district and town headquarters of the Concordia Society. In virtue of this reform in the hands of those who headed the administrative setup was concentrated the direction of the work of local branches of the Concordia Society. The part played by the chiefs of administrative bodies became more important. Along with that increased their responsibility for the work of the Concordia Society as its development fully depended on their attitude to their new duties.

"First of all it was necessary for them to do their work actively and to be actively guided by the spirit of the Concordia Society.

"Only under such conditions could they justify

1 the hopes of the Concordia Society and the government.
2 If those new chiefs had discharged their duties in
3 the Concordia Society only formally it would have been
4 a great mistake resulting in enormous consequences.

5 "In order to prevent the occurrence of such
6 an event Mr. MIYAKE, chief of the Central Headquarters
7 of the Concordia Society and commanding general of the
8 Kwantung Army repeatedly instructed new governors of
9 provincial, district and town headquarters of the Kyo-
10 Wa-Kai and pointed out that such errors should never
11 happen."

12 Page 13:

13 "It is pointed out in the directive of
14 General YEDA, commander-in-chief of the Kwantung Army
15 that the Concordia Society sets itself the task of
16 being a leading organ in carrying out state policy
17 amidst the population. Besides, the Concordia Society
18 considers it its duty to maintain order in the country
19 while it carries out the state policy.
20

21 "Page 201.

22 "The 3d All-Manchurian Congress of the
23 Concordia Society (1936).

24 "On the same July 25 (1936) in Hsinking,
25 in the 'Da-Tung' Square a review and a ceremony were
held on the occasion of the opening of a new branch

1 at the Centre and the creation of the Central Head-
2 quarters of the Concordia Society.

3 "Members of all branches of the Concordia
4 Society attending the All-Manchurian Congress in
5 Hsinking, representatives of the Army and of 39
6 government departments, in total more than 30,000
7 people, participated therein.

8 "General UEDA, Commander of the Kwantung
9 Army, General ITAGAKI, the Kwantung Army Chief of Staff,
10 Admiral HAMADA, the Prime Minister, Marshal Chang
11 King-hui and MATSUOKA, President of the South Man-
12 churian Railroad, took the review.

13 "His Majesty's rescript addressed to the
14 Concordia Society and directives of the Commander-
15 in-Chief of the Kwantung Army were read at the review.

16 "Thus, the 3d All-Manchurian Congress of the
17 Concordia Society was held in a highly solemn
18 atmosphere."

19 Page 18:

20 "The emergency period our country is living
21 through sets responsible practical tasks before youth
22 organizations. They amount to this: at present our
23 youth along with the grown-up population must persis-
24 tently move forward and overcome all the obstacles
25 confronting our nation as well as East Asiatic nations.

1 Bringing the holy East Asiatic war with the Anglo-
2 Saxons to a victorious end and the creation of mutual
3 co-prosperity of East Asiatic nations require that
4 all strength be concentrated on that sacred cause.

5 "The government taking into consideration
6 the importance of present tasks of Manchukuo conducts
7 a policy aimed at solving these vital problems. It
8 is trying to increase the amount of agricultural
9 products and the extraction of natural resources by
10 means of developing local branches of industry and to
11 strengthen the defense of northern frontiers of the
12 country.

13 "To the successful conduct of its policy the
14 government took a decision to introduce general labor
15 conscription in Manchukuo throughout the emergency
16 period.

17 "Page 215.

18 "TANABE, Chief of the State Chamber, in his
19 report on the general course of the government policy
20 made at the All-Manchurian Congress of the Concordia
21 Society pointed out as regards three foregoing tasks
22 that in the opinion of the Government their successful
23 solution must be based on the sacrificial work for
24 the state of all young people required to work in
25 accordance with the labour conscription.

* * * * *

1 "Public Volunteer detachments of the Con-
2 cordia Society.

3 "A conference of representatives of military
4 command, government and the Concordia Society was
5 called in Hsinking on April 23, 1938, on the question
6 of the establishment of mobilization organizations of
7 the population which were to include youth as well as
8 grown-up population.

9 "At subsequent meetings was fully worked out
10 a plan of the creation of the government-public defen-
11 sive organization Public Volunteer Detachments (The
12 Concordia Society Giuhookootai). On July 14, 1938
13 the State Chamber issued an order about the formation
14 of Volunteer detachment in accordance with which they
15 became closely connected with the youth movement of
16 the Concordia Society and included into the general
17 plan of education of the population.

18 "Later on at the conference of government
19 representatives and chiefs of the Concordia Society
20 held on December 26, 1940, a decision was taken that
21 the preparatory period of organization was over and
22 in virtue of that Volunteer Detachments of the Con-
23 cordia Society could become a basic organization of
24 the defense of the country by the population.

25 "The best age for the rank and file numbers

of Volunteer Detachments is considered to be between 20 and 40.

"Volunteer Detachments complete the plan of the general mobilization of the population.

"P. 293. The formation of the emigrant bureau.

"Since 1932 numerous organizations of Russian emigrants cropped up everywhere where existed the Russian population, especially in Kharbin.

"The government of Manchukuo issued a decree dated December 28 of the 1st year of Kangto (1934) in accordance with which was created a special organ vested with regard to Russian emigrants with certain administrative functions.

"That organ was called 'Russian emigrant bureau in the Manchurian Empire,' and before it the government set the following tasks:

"1. To contribute to the strengthening of the material and legal status of Russian emigrants living in Manchukuo;

"2. Relations with the authorities of the Empire with regard to questions concerning the emigrants;

"3. Rendering assistance to competent authorities with regard to questions concerning the

emigrants.

* * * * *

"P. 300. The Bureau and the Concordia Society.

"Representing the interests of Russian emigrants the Chief Russian Emigrant Bureau contributes thereby to the cause of building the young empire and realizes the idea of the cooperation of all nations inhabiting the country. The outward expression of this government-political aims of the emigrants is a close connection between the Bureau and the all-Manchurian organization of the Concordia Society.

"P. KATO, Chief of the special department of the Hsinking headquarters of the Concordia Society is concurrently advisor of the chief bureau.

"General Kislitsin, president of the chief bureau, is a director of high courses of the Concordia Society.

"Generally speaking on a number of matters the chief bureau works in close contact with the Concordia Society.

"P. 301.

"The attitude of General YAMAGITA, Chief of the Japanese Imperial Military mission in Kharbin,

1 is especially valuable for the bureau and for all the
2 emigrants as in all matters he has shown himself a
3 real friend and patron of Russian emigrants."
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1 May the witness Major General Grebennik
2 be called.

3 - - -

4 K U Z M A Y. G R E B E N N I K, called as a
5 witness on behalf of the prosecution, being
6 first duly sworn, testified through Russian
7 interpreters as follows:

8 DIRECT EXAMINATION

9 BY GENERAL VASILIEV:

10 Q Give your name, middle name and surname, please.

11 A Grebennik, Kuzma Yevdokimovich.

12 Q What is your military rank?

13 A Major General of the Guards, Hero of the
14 Soviet Union.

15 Q You are a Deputy -- Member of the Supreme
16 Soviet of the Soviet Union, are you not?

17 THE RUSSIAN MONITOR: "Supreme Council of the
18 Soviet Union."

19 A Yes, I am a Member of the Supreme Council
20 of the Soviet Union.

21 Q In the years of 1937-1942 you were Commander
22 of the Khassan Border-guard Detachment, were you not?

23 A Yes, beginning from 1937 and up to 1942
24 inclusive I was Commanding Officer of the 59th Border-
25 guard Posiet Unit and my rank was Colonel.

1 GENERAL VASILIEV: May the witness be shown
2 prosecution's document No. 3353.

3 (Whereupon, a document was handed
4 to the witness.)

5 Q Please examine this document and tell us
6 whether this is your affidavit.

7 A Yes, this is my affidavit.

8 Q Are the contents of the affidavit true and
9 correct?

10 A Yes, true and correct.

11 GENERAL VASILIEV: I offer in evidence
12 prosecution document No. 3353, the affidavit of
13 Major-General Grebennik, Member of the Supreme Soviet
14 of the U.S.S.R., who will testify about the events in
15 the vicinity of Lake Khassan in 1938 to rebut the
16 following evidence offered by the defense:

17 1.) The territory subject of the conflict
18 was not guarded by the Soviet border-guards. They
19 came there for the first time on July 11, 1938, i.e.
20 not long before the outbreak of the conflict, page
21 22,923 of the transcript.

22 2.) On the territory of the conflict even
23 prior to the commencement of hostilities were the
24 Soviet field troops which built fortifications on the
25 sector which, even according to the contention of the

1 Soviet side, belonged to Manchuria, pages 22, 716
2 and 22,896 of the transcript.

3 3.) In the area of the conflict before the
4 clash the Soviet troops hoisted the red flag on the
5 territory which belonged to Manchuria even according
6 to the Soviet contention, page 22,896 of the record.

7 The Tribunal will remember that when during
8 the redirect examination of the witness Chernapyatko
9 the prosecutor desired to refute that evidence of the
10 defense Mr. President remarked that "You may be able
11 to give this evidence in rebuttal," page 32,196 of
12 the transcript.

13 4.) The Soviet troops were the first to
14 start hostilities which began already on July 11, but
15 not on July 29 as contended by the prosecution, pages
16 22,899 and 22,900 of the transcript.

17 During the Khassan Lake events the witness
18 Grebennik was a Colonel, Commanding Officer of the
19 border-guard detachment in the Lake Khassan area.
20 His testimony is very valuable for the Tribunal.

21 THE PRESIDENT: Major Furness.

22 MR. FURNESS: If the Court please, we object
23 to the admission of this evidence on the ground that
24 it is not a proper rebuttal evidence. It should have
25 been part of the case in chief.

1 We further object on the ground that it is
2 purely repetitive. We call attention to the fact that
3 all facts are covered in the following testimony for
4 the prosecution:

5 Exhibit 753, which was admitted in evidence
6 on page 7755 of the record. This is one of those
7 reports which was prepared for the purposes of this
8 trial, dated, I think, sometime in 1946.

9 Exhibit 757, which admitted in evidence on
10 page 7813 of the record.

11 The testimony of the witness Tereshkin, who
12 testified not by affidavit but on question and answer,
13 starting with record page 7767.

14 The witness Batarshin, whose affidavit was
15 admitted as exhibit 757, page 7811 of the record and
16 who was called to the witness stand at page 32,069
17 of the record.

18 The witness Chernopyatko, whose direct
19 testimony first appeared as exhibit 755, record page
20 7808, and who was called to the witness stand, record
21 page 32,155.

22 There are no new facts in this affidavit. We
23 submit that it is purely repetitive and should not be
24 received in rebuttal. It is purely repetitive and it
25

1 is not important and we therefore do not feel that it
2 meets the tests which the Tribunal has itself set down.

3 THE PRESIDENT: General Vasiliev.

4 GENERAL VASILIEV: I have given at least four
5 weighty grounds which entitle me to insist that the
6 present witness be examined by the Tribunal.

7 Apart from the rebuttal point of view, the
8 testimony of this witness is very important and very
9 valuable for the Tribunal-- even from the point of view
10 of the rebuttal it is so -- and the Tribunal made known
11 its decision that this will be the test of what testimony
12 will be admitted or not at this stage of the trial.

13 I hope that the Tribunal will also bear in
14 mind that the Soviet authorities did not stop at disturbing
15 the work of such competent personalities as General
16 Grebennik, Member of the Soviet Parliament, in order
17 to enable the Tribunal to have a clear picture of the
18 issues involved in this case.

19 THE RUSSIAN MONITOR: Strike out "Member of
20 the Soviet Parliament," please.

21 GENERAL VASILIEV: (Continued) Therefore, I
22 ask the Tribunal to receive the affidavit in evidence.

23 THE PRESIDENT: By a majority the objection is
24 overruled and the document admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution document 3353

GREBENNIK

DIRECT

38,289

will receive exhibit No. 3854.

(Whereupon, the document above referred to was marked prosecution exhibit No. 3854 and received in evidence.)

1 GENERAL VASILIEV: I shall read the affidavit,
2 omitting the formal parts:

3 "1. From 1937 through 1942 I was at the Mari-
4 time border of the Far Eastern Region in the capacity of
5 the Commander of the 59th Khassan border-guard detach-
6 ment.

7 "The detachment was guarding 236 kilometres of
8 the land border facing West and 400 kilometres of the
9 sea border facing East.

10 "The land border started in the north from the
11 border mark "Letter P," two kilometres to the south-
12 west of the point Shufang, and ran to the south up to
13 the Sea of Japan itself, ending at the town of Chikasimi.

14 "The sea sector of the border started in the
15 north at the Peschanaya bay and ran to the south up to
16 the town of Chikasimi.

17 "The 59th Khassan border-guard detachment com-
18 prised the border-guard outposts Podgornaya and Pakshi-
19 kori which had the direct responsibility of guarding the
20 border sector to the west of Lake Khassan.

21 "Heroes of the Soviet Union Lieutenant Colonel
22 Tereshkin and Majors Patarshin and Chernopyatko were my
23 subordinates, when the events in the Lake Khassan area
24 occurred.

25 "2. The eastern slopes of the Zaozernaya Hill

1 and the Bezmyannaya Hill (west of Lake Khassan) had
2 always been guarded by the Soviet border-guard forces.
3 Prior to July, 1938, there were no Japanese border
4 guards on the western slopes of the Zaozernaya Hill. I
5 am well acquainted with this sector of the border, be-
6 cause I often went there attaching to it great importance
7 (as it was the place where three borders of the U.S.S.R.,
8 Manchuria and Korea met).

9 "3. At the beginning of July, 1938, the Japa-
10 nese started massing infantry and artillery in the
11 Zaozernaya Hill area. Japanese troops kept arriving at
12 the area of the villages of Khamoku and Digasheli.

13 "However, prior to 29 July 1938 there were no
14 armed clashes in the vicinity of the Zaozernaya and
15 Bezmyannaya Hills. In particular, there were no
16 military clashes between the Soviet and the Japanese
17 troops on July 11, 1938.

18 "4. On July 15, 1938, there was a case of
19 violation of the state border by Japanese gendarmes,
20 during which one of the trespassers, MATSUSHIMA, Shakuni,
21 was killed.

22 "The circumstances of this occurrence were as
23 follows:
24

25 "On July 15, 1938, Commander of the border-
guard outpost Podgornaya, Lieutenant Tereshkin, reported

1 to me on the telephone, that a group of Japanese
2 soldiers had crossed the state border on the Zaozernaya
3 Hill. The border-guard patrol stationed there had
4 spotted the trespassers, who at the shout, 'Halt'
5 started to run back to their territory.

6 "One of the running men was shot dead with a
7 rifle.

8 "A pistol with 8 cartridges, a camera, a note-
9 book in which the results of the observation were written
10 down, and a visiting card in the name of MATSUSHIMA,
11 Shakuni, were taken from him. A detailed investigation
12 was conducted in accordance with my order.

13 "In particular an examination of the foot-prints
14 of the Japanese soldiers at the spot where the border
15 had been trespassed was made. The film found in the
16 camera which had been on the killed gendarme was devel-
17 oped. The examination of the locality revealed foot-
18 prints of 5 persons who had penetrated into the U.S.S.R.
19 territory, and foot-prints of 4 persons leading in the
20 opposite direction, i.e., from the U.S.S.R. to Manchuria.
21 The developed film from the killed Japanese's camera
22 showed 6 pictures, part of which were pictures of our
23 territory, and, in particular, of the Zaozernaya Hill.

24 "Soon afterwards (I don't remember the date at
25 present) the Japanese sent two Chinese disguised as

1 truce flag bearers to us, to the sector of the outpost
2 names after Krainov (Karantin). They were holding poles
3 with white flags, and had an envelope addressed to the
4 Commander of the border-guard detachment. These men
5 were detained and brought to me. When the envelope was
6 opened, it turned out that it contained a letter in
7 Japanese. It was translated into Russian, and it was
8 found out that it contained the demand to withdraw our
9 border-guards from the sector west of Lake Khassan
10 addressed 'to the Commander of the Soviet Border-Guard
11 Detachment at Kraskino from the Commander of the Japa-
12 nese Hanchun Detachment.'

13 "About five days later a white flag and a letter
14 in the Korean language were found lying on the ground in
15 the vicinity of Novoya-Derevnya, approximately in
16 100-150 metres from the border.

17 "The letter was brought to me. Its text cor-
18 responds to the text given in the telegram of July 23,
19 1938, shown to me. (It is attached to exhibit No. 753.)

20 "It was an anonymous letter bearing no date and
21 no signature.

22 "Having got such indications we started to
23 prepare against an attack on us in the Lake Khassan Area.

24 "On July 26 I together with a group of officers
25 went to the sector of the Zaozernaya outpost in order to

1 observe on the spot what was happening. Since about
2 July 26 or 27 I personally saw the Japanese troops
3 crossing on boats to the eastern bank of the Tumen-Ula
4 River and massing in the area west of the Zaozernaya Hill.
5 As the result of the observation of our outposts of the
6 actions of the Japanese it was estimated that more than
7 3800 men had crossed the river in 3 days during day-time.
8 We were unable to see what these Japanese troops were
9 doing, as they were hiding behind natural rises.

10 "We tried to avoid giving any, even smallest
11 causes for disputes. No fortification work was done by
12 our border-guards on the western slopes of the Zaozernaya
13 Hill.

14 "On the hill itself there was only an obser-
15 vation post. This post did not hoist a red flag. On
16 the contrary, it was secretly watching the Japanese.

17 "5. About 1600 hours on July 29 from the
18 Zaozernaya Hill I heard the sounds of machine gun, rifle
19 and mortar fire and grenade explosions in the vicinity
20 of the Bezymyanaya Hill. I received a message over the
21 telephone that there appeared a Japanese unit of a com-
22 pany size which had deployed into two groups and launched
23 an attack on the Bezymyanaya Hill where there was a
24 patrol of 11 border guards under Lieutenant Makhalin.
25

"At first I could not personally observe that,

1 inasmuch as although the distance between the Zaozernaya
2 and Bezymyanaya Hills amounted to not more than 1-1/2
3 km - there was a fog which considerably reduced visi-
4 bility. But shortly thereafter after the fog had some-
5 what lifted I personally saw a platoon of the Japanese
6 infantry which had crossed to our territory between the
7 Bezymyanaya and Zaozernaya Hills.

8 "I ordered that Sen. Lt. Ratnikov who was
9 attached to me with a group of border guards from the
10 Zaozernaya Hill outfit (one of the members of that group
11 was Major Batarshin who was then a border guard section
12 leader) support Makhalin's patrol from the south.

13 "At the same time I ordered over the telephone
14 that Sen. Lt. Bykhovtsev, Commanding Officer of the
15 Pakshikori outpost, alert his outposts and use his
16 entire personnel to support Makhalin's patrol from the
17 north.

18 "It was at that time that I sent a telephone
19 message to the regular Army authorities asking for
20 support since being aware of the strength of the Japanese
21 troops which had crossed the border I felt that I would
22 not be able to hold out against them with my own forces.
23 As a result of this engagement 5 border guards were
24 killed and 6 were wounded. Lieutenant Makhalin was
25 killed.

1 "Due to the support of the groups under
2 Ratnikov, and Byhovtsev which had arrived in good
3 season the Japanese troops were repulsed off the
4 Bezmyanaya Hill and our unit consolidated there.

5 "Crossing and concentration of Japanese troops
6 on the eastern bank of the Tuman-Ula River in the
7 vicinity of the Zaozernaya Hill were going on on July
8 30. On the night of 30-31 July the Japanese launched
9 a vigorous attack on the Zaozernaya and Bezmyanaya
10 Hills with artillery support and furling into action the
11 whole of the 19th Infantry Division. By that time the
12 reinforcements of field troops were only reaching the
13 battlefield and the Bezmyanaya and Zaozernaya Hills
14 were defended only by the border guard outfits which had
15 been somewhat reinforced by the reserves I had at my
16 disposal. (There were 92 border guards on the two hills
17 which includes 60 men on the Zaozernaya Hill.)

18 "At 0625 on July 31 the Japanese occupied the
19 Bezmyanaya and Zaozernaya Hills. Almost the whole of
20 our border guard garrison fell on the battlefields.

21 "Lieutenant Tereshkin, the Garrison Commander
22 and concurrently the Commanding Officer of the outpost,
23 was wounded. Later on our field troops arrived on the
24 spot and the subsequent operations were conducted under
25 the direction of the regular army authorities.

1 "In 10 days fighting our regular troops wiped
2 out the units of the 19th Japanese division and repulsed
3 the Japanese off our territory while the remnants of the
4 Japanese troops withdrew to the far bank of the Tuman-
5 Ula River.

6 "While on the Zaozernaya Hill I commanded my
7 unit in combat since the outbreak of hostilities and I
8 can positively state that none of our border guards ever
9 crossed the border line and that the Japanese were the
10 first to start the attack without being in the slightest
11 degree provoked by our border guard. After the defeat
12 of Japanese 19th Infantry Division the Japanese made no
13 claims as to the withdrawal of our troops from the
14 Zaozernaya Hill."

15 THE PRESIDENT: We will adjourn until nine-
16 thirty tomorrow morning.

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18 (Whereupon, at 1600, an adjourn-
19 ment was taken until Tuesday, 27 January
20 1948, at 0930.)
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